

United States  
Environmental Protection  
Agency

Office of  
The Administrator  
Washington DC 20460

March 1987

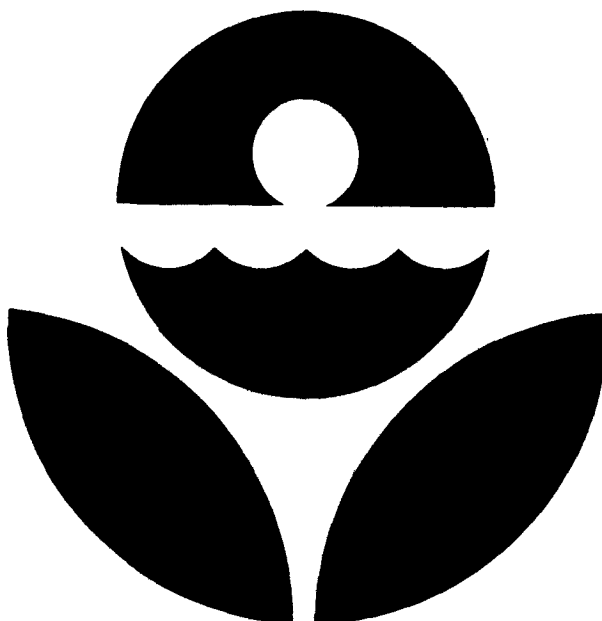
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# Agency Operating Guidance

FY 1988

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# **Agency Operating Guidance**

**FY 1988**

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Chicago, Illinois 60604

**March 1987**

U.S. Environmental Protection Agency

## PREFACE

The FY 1988 Agency Operating Guidance reflects the Agency's FY 1988 Priority List, which follows, and the priorities of each of the Assistant Administrators. The Guidance highlights the changes in direction and emphasis since last year and provides the Regions and States directions for planning and executing environmental programs. It also includes the Strategic Planning and Management System measures which will be used to track progress in priority areas.\*

The Guidance was compiled by the Office of Policy, Planning and Evaluation with the Headquarters media program offices and the Offices of External Affairs and Administration and Resources Management preparing individual sections. Valuable input and comments were received from the Headquarters program and staff offices, Regions and States. Our sincere thanks to the many individuals who helped develop the final document.

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\*Guidance and measures for programs affected by recent changes to the Clean Water Act and RCRA measures are not included in this document. They will be published shortly and forwarded for insertion in this document.

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## AGENCY PRIORITY LIST FOR FY 1988

### REDUCE RISKS FROM EXPOSURES TO PESTICIDES, TOXIC CHEMICALS AND PATHOGENS.

- a. Reduce risks from pesticides. Continue to give priority to the re-registration process. Place appropriate pesticides in Special Review. Continue the emphasis on ground-water contamination. Strengthen performance of regional and state enforcement programs and state certification and training programs. Build technical capability in the regions to support Agency programs addressing ground-water and other site-specific pesticide problems.
- b. Reduce risks from new and existing toxic chemicals. Emphasize the review of categories of chemicals and the products of emerging biotechnology. Use the National Human Monitoring Program to identify, test, and control chemicals posing significant risks. Strengthen performance of regional and state enforcement programs, emphasizing enforcement against serious violations of PCB regulations. Use TSCA to resolve cross-media problems in an integrated manner.
- c. Control drinking water contaminants. Improve enforcement of drinking water regulations. Develop standards for radionuclides, disinfection byproducts and other statutorily-mandated contaminants. Develop health advisories for agricultural chemicals and other drinking water contaminants, and to support RCRA and Superfund decisions.

### REDUCE EXPOSURE TO UNHEALTHY AIR QUALITY.

- a. Control air toxics. Implement the comprehensive national air toxics strategy. Continue to identify hazardous air pollutants and develop federal control requirements for vehicle fuels and stationary sources, especially hazardous waste and Superfund sites. Strengthen state and regional enforcement programs. Increase support to states to implement multi-year air toxics program development plans. Provide assistance for accidental release planning through the Chemical Emergency Preparedness Program.
- b. Reduce violations of the ozone standard. Implement the national ozone reduction strategy. Enforce federal standards for vehicles and fuels, and improve compliance with state implementation plans. Tighten existing federal, state and local emission controls and institute new controls where necessary. Implement "reasonable extra efforts" programs in the worst ozone areas.

- c. Reduce risks of exposure to unhealthful levels of indoor air pollutants, especially radon from both soil and tap water. Implement the indoor radon assessment and mitigation strategy. Continue field studies to measure human exposure to air pollutants. Ensure consistent Agencywide policy analysis, risk assessments and strategy development for indoor air pollution.
- d. Promote effective remedial actions for asbestos. Strengthen educational and technical assistance programs. Support development of state contractor licensing and certification programs. Develop state inspector training programs. Strongly enforce asbestos NESHAPs.

PREVENT GROUND-WATER CONTAMINATION AND REDUCE OTHER RISKS FROM HAZARDOUS WASTES.

- a. Protect ground water resources. Continue to develop and undertake a comprehensive approach to ground-water management in cooperation with the states. Implement the Wellhead Protection Program.
- b. Reduce imminent threats to public health and the environment from abandoned hazardous waste sites. Use increased Superfund removal authorities to stabilize National Priority List and non-NPL sites.
- c. Control hazardous waste releases to ground water. Make permit decisions on operating land disposal facilities by the 1988 HSWA deadline and ensure compliance. Establish priorities and approve and monitor plans for closing land disposal facilities. Respond to petitions to continue underground injection of hazardous wastes and enforce UIC Class I injection well bans.
- d. Clean up significant releases of hazardous substances. Accelerate use of corrective action authorities at environmentally significant land disposal facilities. Streamline the Superfund cleanup process and use enforcement efforts to increase Potentially Responsible Party settlements. Encourage state-lead projects and federal facility activity. Pursue cost recovery to reimburse the CERCLA Trust Fund.
- e. Prevent and clean up leaks from underground storage tanks. Complete and enforce tank standards. Approve state UST programs.
- f. Develop adequate hazardous waste treatment capacity by promulgating regulations, streamlining permit requirements, and encouraging alternatives to land disposal.
- g. Prevent ground-water contamination from injection wells. Assure compliance with UIC permits. Control contamination from Class V wells.

IMPROVE PROTECTION OF AQUATIC LIFE AND HUMAN USES OF SURFACE WATERS.

- a. Control the release of toxic discharges and hazardous wastes to surface waters. Issue and enforce third-round NPDES permits for major discharges and significant minors, with BAT and water quality based requirements. Develop additional toxic and hazardous waste controls. Screen, investigate and determine control strategies for unregulated chemicals. Develop technical guidance for assessing human risks from ingesting toxics-contaminated fish and shellfish. Improve the coverage and effectiveness of local pretreatment program requirements by developing and enforcing categorical standards and local limits for toxics and hazardous wastes not adequately regulated.
- b. Reduce discharges of inadequately treated wastes from municipal treatment facilities. Aggressively enforce compliance with the statutory deadline under the National Municipal Policy, taking judicial enforcement actions where necessary.
- c. Reduce nonpoint source pollution. Implement the Agency's Nonpoint Source Strategy to encourage state development of NPS control programs for high priority surface and ground waters. Work with other federal programs to ensure that they complement state NPS control efforts.
- d. Restore the integrity of near coastal waters. Implement an integrated approach to control toxics and nonpoint source pollution in near coastal waters, consistent with the recommendations of the Near Coastal Waters Strategic Plan.
- e. Protect wetlands. Aggressively implement the Wetlands Protection Strategy. Increase emphasis on use of advance identification and strengthen enforcement for protection of priority wetlands.

IMPROVE THE AGENCY'S ABILITY TO MANAGE RISK.

- a. Develop risk assessment methods for human health effects. Focus on methods development for non-cancer health effects. Improve techniques for using animal studies to estimate risks to humans. Develop statistical models to characterize dose-response levels of toxic chemicals and to characterize uncertainty. Determine Structure Activity Relationships to determine toxic effects of untested chemicals based on physical similarities to other chemicals for which effects are known.
- b. Develop ecological risk assessment methodologies. Develop integrated environmental risk methods through the use of ecosystem function and structure information. Develop methods to assess effects from exposures to complex mixtures without the need for chemical-by-chemical analysis. Use statistical models to characterize uncertainties associated with risk estimates.

- c. Develop total exposure methodologies. Improve monitoring of exposures to human and ecological populations through development of biological indicators and use of pharmacokinetic and metabolism information. Improve exposure monitoring systems and other analytical methods to better identify the total amount of chemicals absorbed and retained in exposed populations.
- d. Work with industry to ensure availability of cost-effective risk reduction technology. Explore alternative treatment technologies such as biodegradation, biotechnology and advanced separation. Conduct pilot-scale evaluations of advanced incineration and techniques for stabilizing wastes to prevent releases into the environment. Conduct collaborative, full-scale demonstrations with private sector on promising innovative technologies.

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#### EPA MANAGEMENT PRIORITIES

1. Risk Reduction: EPA's basic mission is to reduce the level of risk to health and to the environment posed by pollution. Toward that end, the Agency will focus its resources, and those of society at large, where pollution causes the most damage.
2. Balance environmental gains against other goals: Environmental protection actions should be designed to achieve the greatest social benefit. The Agency will strive to manage its resources to achieve the greatest overall benefits for the public.
3. Environmental federalism: We recognize that each level of government has a proper role in public health and environmental protection, and that the concerted and coordinated efforts of federal, state, and local agencies will best serve the public interest.
4. Better environmental science: We will work to expand the knowledge available to manage health and environmental risks. This priority involves improving the scientific basis for environmental protection decisions.
5. Negotiation and consultation: In finding solutions, we will expand the use of negotiated regulations and consultative proceedings with a wide range of representatives from industry, environmental organizations, state and local government, and the general public.
6. Enforcement: We will enforce environmental laws vigorously, consistently, and equitably to achieve the greatest possible environmental results.
7. Human Resources: We will promote excellence and growth in EPA staff at all levels.

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## OFFICE OF AIR AND RADIATION

### I. EXECUTIVE SUMMARY

This FY 1988 guidance updates the national goals, strategies, and objectives developed for the air quality and radiation programs. The guidance also describes the actions that the Environmental Protection Agency (EPA) and State and local agencies must take in FY 1988 to implement these goals, strategies, and objectives. The FY 1988 guidance is based on overall EPA goals, the Administrator's priority list and management priorities, and the President's FY 1988 budget request.

#### A. Structure of the Guidance

The FY 1988 guidance for the national air quality and radiation programs consists of four parts. The first part, Executive Summary, identifies the updated national goals for each program, describes the national strategies, and summarizes the changes from FY 1987. The second part, Air Guidance, describes the high priority components of the national program and lists the specific actions that must be taken by EPA and by State and local agencies to carry out the national strategy. The third part, Radiation Guidance, presents the high priority components of that national program and actions for implementing the national radiation strategy.

The descriptions of the high priority components of the national programs are divided according to the five major elements:

- ° Federal Standards and Regulations
- ° Planning and State Support
- ° Enforcement
- ° Monitoring
- ° Program Assessment

The specific actions listed include two types, actions that support one or more of the priorities on the Administrator's list and actions that support priorities of the Office of Air and Radiation (OAR). Actions that support the Administrator's priorities are identified by an asterisk (\*) in the left margin. Actions that support OAR priorities are identified by a bullet (o). Some actions have been continued unchanged from the FY 1987 guidance. Other actions have been modified or appear for the first time. Modified actions are identified by a dash (-) in the right margin; new actions are identified by a plus (+).

The fourth part of the guidance is an appendix that contains the Strategic Planning and Management System (SPMS) measures for FY 1988. The SPMS measures included in the appendix reflect the results of a complete reassessment of reporting and accountability needs. Although some of the SPMS measures for FY 1988 require information that has been reported in the past, the overall framework for the measures and the measures themselves are new.

## B. Major Goals for the Air Quality Program

In FY 1988 the EPA strategy for the national air quality program will continue to be based on five major goals. The first three goals are directed at addressing major environmental problems. These goals are listed below in general order of national priority, based on public health risk and feasibility of control. The order of these priorities may vary from area to area depending on the relative health risks presented by local pollution problems. The fourth and fifth goals are more programmatic and cross-cutting in nature. Examples of key activities are listed with each goal.

- ° Reduce the risk of exposure to air toxics. In FY 1988 EPA will continue to implement the national strategy, announced in June 1985, to address the significant public health problem caused by toxic compounds in the air. As part of this implementation, EPA will place increased emphasis on strengthening State and local air toxics programs, including the compliance and enforcement elements of the programs.
- ° Achieve National Ambient Air Quality Standards (NAAQSs) set to protect public health. In FY 1988 EPA will place the highest national priority on aggressively carrying out programs to implement the post-1987 ozone nonattainment policy and the NAAQSs for size-specific particulate matter (PM<sub>10</sub>). EPA will also place high priority on meeting NAAQSs for other pollutants where ambient levels of these pollutants present significant risks to public health.
- ° Determine the policy alternatives and strategy options available to address emerging issues. In FY 1988 EPA will continue to provide Federal leadership in developing national policies and programs to address three major environmental problems: acid rain, stratospheric ozone depletion, and indoor air pollution.
- ° Increase the capacity and improve the effectiveness of State and local air quality agencies. In FY 1988 EPA will continue to work toward a stronger, more effective partnership with State and local agencies and with Tribal governments and help them improve their capabilities to address air quality problems. In FY 1988 EPA will join with State and local agencies to implement the five principles established in FY 1986 for the air grants program. This effort will include defining the core components of control programs and establishing criteria for disinvestment of low priority activities.
- ° Develop and support programs to maintain improvements in air quality. In FY 1988 EPA will continue setting national technology-based standards and carrying out compliance programs to ensure that gains made in improving air quality are not lost. EPA will also give increased emphasis to prevention of future air pollution problems through support of strong State, Tribal, and local programs for preconstruction review of new sources.

In carrying out these goals, as well as the goals of the radiation program, OAR will continue to use the Agency's communications strategy process to ensure that programs are conducted openly, accurately, and fairly.

### C. FY 1988 Strategy for the Air Quality Program

The FY 1988 operating guidance for the national air quality program focuses on three priority problem areas: air toxics, NAAQSs attainment, and emerging issues (acid deposition, stratospheric ozone depletion, and indoor air pollution) corresponding to the first three program goals. Under NAAQSs attainment, the guidance emphasizes achieving the standards for ozone and PM<sub>10</sub>, while allowing Regional Offices the flexibility to address other pollutants (e.g., carbon monoxide) in areas where significant violations of the primary NAAQSs for these pollutants still occur. New or changed activities in the priority areas are summarized below. General activities corresponding to the two cross-cutting goals are also described.

#### 1. Reduce Air Toxics Exposure

In FY 1988 EPA will refine and expand the basic elements of the national air toxics strategy. The first element of the national air toxics strategy is to expand the Federal regulatory program. In FY 1988 EPA will change or increase activities in four areas. First, EPA will place more emphasis on non-cancer health effects in making decisions whether to regulate chemicals under section 112 of the Clean Air Act (CAA). Second, EPA will increase the types of chemicals and source categories covered by National Emission Standards for Hazardous Air Pollutants (NESHAPs). The Agency will also continue to explore ways to accelerate the development of NESHAPs. Third, EPA will increase the regulation of vehicle emissions and fuels. Fourth, EPA will further expand the use of statutory authorities other than the CAA to control air toxics.

The second element of the national strategy is to increase the capabilities of State and local agencies to address air toxics. In FY 1988 EPA will continue to assist State and local agencies by identifying additional categories of high-risk sources that may be candidates for State or local regulation. EPA will increase the information made available to State and local agencies for use in making regulatory decisions for high-risk sources.

In FY 1988 EPA will continue to negotiate multi-year air toxic program development plans with State and local agencies and provide increased support in the development of these plans. EPA will also begin to stress implementation of previous State and local commitments and to evaluate the environmental effectiveness of selected State and local programs. In addition, EPA will review the compliance and enforcement programs of State and local agencies to evaluate their effectiveness in implementing delegated NESHAPs and State and local requirements.

The third element of the strategy is to define and address urban multi-source, multi-pollutant problems. In FY 1988 EPA will increase the support available to State and local agencies for characterizing this "urban toxic soup" and developing control programs.

## 2. Achieve NAAQSS

Ozone attainment. Additional progress towards attainment of the current NAAQSS for ozone will require both the continued implementation and enforcement of existing EPA, State, and local measures to reduce emissions of volatile organic compounds (VOCs) and implementation of a new national policy for post-1987 nonattainment areas, including the development of new control measures. The new national policy is now under development and will not be completed before this guidance is published. As a result, some supplemental guidance may be necessary.

EPA will evaluate the ozone data collected by State and local agencies during the 1987 ozone season and use the results of that evaluation to identify areas with deficient State implementation plans (SIPs). Once the post-1987 nonattainment areas have been identified, EPA will issue SIP deficiency notices to States. During the balance of FY 1988 and the first part of FY 1989, States will revise their SIPs in accordance with the post-1987 ozone policy.

During FY 1988 EPA will work with States to enhance the compliance of VOC sources in ozone nonattainment areas. Special attention will be given to resolving significant violators of VOC emission requirements. EPA and States will also begin implementation of a strategy addressing small VOC sources in nonattainment areas where these sources collectively contribute significantly to the nonattainment.

In FY 1988 EPA will propose or promulgate new and more stringent Federal standards for both stationary and mobile sources of VOCs. For example, EPA will promulgate New Source Performance Standards (NSPSs) for seven VOC source categories and propose hydrocarbon standards for light-duty truck emissions.

In FY 1988 EPA will continue the regular review of the adequacy of the existing ozone NAAQSS, as required by the CAA. Evidence now available indicates health and other effects greater than those identified when the ozone NAAQSS were last revised in 1978.

PM<sub>10</sub> attainment. The promulgation of primary and secondary NAAQSS for PM<sub>10</sub> in FY 1987 will trigger a major restructuring of current programs for the measurement and control of particulates. As a result, EPA and State and local agencies will have to undertake a number of new activities during FY 1988, including the development of SIPs for areas not meeting the standards.

At the time the PM<sub>10</sub> NAAQSs are promulgated, EPA will use particulate air quality data to classify all counties into one of three groups. The classification: Group I, Group II, or Group III, will be based on the probability of violating the PM<sub>10</sub> standard. The requirements for PM<sub>10</sub> SIPs will vary, depending on the classification of the area, from full control strategies and demonstrations of attainment to revised preconstruction review programs.

Other pollutants. Although in FY 1988 EPA will emphasize progress towards attainment of the NAAQSs for ozone and PM<sub>10</sub>, there are areas where significant violations of the primary NAAQSs for other pollutants, particularly carbon monoxide and sulfur dioxide, still occur. For these areas, EPA will work with State and local agencies to correct SIP deficiencies contributing to the violations, to improve source compliance, and to develop any additional control measures necessary. In general, EPA will target its resources for NAAQS attainment based on the extent of NAAQS violations, the size of the population exposed, and the feasibility of control.

### 3. Address Emerging Issues

During FY 1988 EPA will continue to assess the severity and extent of three major emerging issues: acid rain, stratospheric ozone depletion, and indoor air pollution, and evaluate the policy alternatives and strategy options available.

EPA will continue to participate in the planning and review of acid rain research to ensure that policy information needs are addressed. EPA will also continue the cooperative effort with States to examine potential implementation issues that would arise if an acid rain control program were initiated. In addition, EPA will make early use of the Agency's communications strategy process to avoid unnecessary implementation controversy.

Early in FY 1988 EPA will announce a decision on the need to regulate chlorofluorocarbons (CFCs) to reduce stratospheric ozone depletion and carry out the follow-up actions necessary. During FY 1988 EPA will also continue to attempt to develop an international consensus on the nature and extent of the CFC problem and on the actions needed to address the problem.

In FY 1988 EPA will continue to analyze the policy issues associated with addressing indoor air pollution. EPA will also continue to examine how existing EPA programs can be adjusted to reduce total exposure, indoor and ambient, to unhealthy air quality.

### 4. Strengthen State and Local Agencies

Maintaining strong State and local agencies is key to reducing air toxics exposures, achieving the ozone and PM<sub>10</sub> NAAQSs, and

addressing other air quality problems. In FY 1988 EPA will continue to support state and local programs by identifying and reducing obstacles to program effectiveness, providing direct program assistance, facilitating information exchange, and maintaining national monitoring and data management systems. EPA will also work with Indian Tribes with serious air quality problems on Tribal lands to address these problems. Further, EPA will explore means to address pollution problems on Tribal lands where Tribes may lack authority for new source review and compliance activities.

In FY 1988 EPA will continue to provide financial support to State and local agencies and Indian Tribes through the section 105 air grants program. EPA will also continue to carry out the performance-based grants policy signed by the Administrator in May 1985. In the management of the grants program and the implementation of the performance-based grants policy, EPA will adhere to the five principles established in June 1986 by the Assistant Administrator for Air and Radiation. Carrying out the five principles requires clear definition of those key activities that constitute the foundations of State and local programs and establishment of a process for identifying disinvestments when new priorities arise and no additional Federal, State, or local resources are available. In FY 1988 EPA will work with State and local agencies to expand the pilot efforts begun in FY 1987 to address these issues.

#### 5. Maintain Air Quality Improvements

EPA will continue efforts to protect gains in air quality and prevent future air pollution problems. These efforts include establishment of national technology-based emission limits for stationary sources and vehicles; improvement of the effectiveness of EPA, State, and local compliance programs; and support for strong State and local programs to review and regulate new sources. In carrying out these cross-cutting efforts in FY 1988, EPA will emphasize activities that address sources of air toxics, VOCs, and PM<sub>10</sub>.

#### D. Major Goals for the Radiation Program

In FY 1988 the EPA strategy for the national radiation program will be based on the two major program goals listed below. Examples of key activities are included with each goal.

- ° Reduce the risk of exposure to unhealthful levels of radiation. In FY 1988 EPA will help States build self-sufficient programs to reduce levels of indoor radon.
- ° Maintain comprehensive surveillance and effective emergency response capabilities. In FY 1988 EPA will continue to maintain emergency response teams to meet emergency situations.

#### E. FY 1988 Strategy for the Radiation Program

There are a variety of sources of radiation exposure, and statutory authority to deal with these sources. EPA has chosen to emphasize two general categories contributing to radiation exposure of humans: radon and other airborne radionuclides, and the disposal of radioactive wastes. These categories have been given priority because they represent the greatest health hazards, statutory authority is available to remedy the problems, and the radiation levels are amenable to reduction. With the exception of radon, these categories are being pursued from the standpoint of regulatory controls. The Agency also continues to exercise its important Federal guidance role in the radiation protection community.

In addition to implementing regulatory and guidance programs, the Agency will maintain a capability to pursue four objectives of environmental assessment in order to provide a comprehensive radiation protection program for the public. The objectives include: (1) assess and quantify existing and emerging radiation problems (e.g., radon), (2) assess and quantify the potential impact of technologies under development, (3) evaluate and respond to issues of serious public concern and identify the organization(s) responsible for corrective action, and (4) respond to radiological emergencies and aid in the development and testing of State, local, and Federal emergency response plans.

## II. AIR QUALITY GUIDANCE

### A. Air Toxics

The objectives for the air toxics program are based on the air toxics strategy (as it applies to routine releases\*) announced in June 1985. The basic approach taken in the 1985 strategy was recently reaffirmed as part of the air toxics strategic planning initiative (SPI) carried out in FY 1986. As a result of the air toxics SPI, a detailed five-year implementation plan for the strategy is being developed. Some changes to this guidance may be needed to reflect the final air toxics strategy implementation plan, scheduled for completion in FY 1987.

To assist in implementing the air toxics strategy, the Office of Research and Development (ORD) will perform research to quantify emissions from municipal incinerators and document best technology; develop more efficient and cost-effective control technologies for air toxics, particularly VOCs; prepare health summaries or health assessment documents and secure Science Advisory Board review as needed; identify toxic components of urban air mixtures and assess risks; determine total human exposure to VOCs and other toxic air pollutants, including wood smoke and components of automobile exhaust; and determine genetic, neurologic, immunologic, pulmonary, carcinogenic, mutagenic, and physiological risks from air toxics.

#### 1. Federal Standards and Regulations

The Federal regulatory program has three major thrusts:

- ° Implement section 112 of the CAA, including identification of air toxics problems and selection of appropriate regulatory strategies.
- ° Assess toxic air emissions risks from motor vehicles and fuels and regulate emissions as necessary, either directly or through criteria pollutant control programs.
- ° Use Federal authorities other than the CAA to regulate air toxics.

Implement section 112. In the air toxics identification program EPA will screen and rank about 100 chemicals per year for more detailed assessment. About 10-12 of the pollutants ranked highest will enter the more detailed health, source, and exposure assessment process each year. EPA will also continue risk assessment for multi-pollutant emission sources (e.g., hospital, commercial, and

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\* Accidental releases of air toxics are covered in the Hazardous Waste portion of the Agency Operating Guidance.

industrial incinerators). More emphasis on non-cancer health effects is anticipated during FY 1988. Decisions on the need to regulate at the Federal level will be published for about 10 pollutants or pollutant mixtures per year. For pollutants or source categories that do not cause nationally significant risk, but may cause high localized risk, the assessment program will provide health risk and control technology information to State and local agencies for action under their own air toxics programs.

In FY 1988 EPA will propose Federal regulations for two source categories of chromium and promulgate changes to the current NESHAPs for asbestos. EPA will also promulgate new NESHAPs for benzene (coke oven final coolers), for coke oven emissions (charging, topside, and doors), and for perchloroethylene, trichloroethylene, ethylene oxide, chloroform, methylene chloride, butadiene, ethylene dichloride, and carbon tetrachloride (organic chemical manufacturing industry). A number of other source categories that emit the eight organic compounds are under consideration for NESHAPs. Proposals for a number of these NESHAPs will occur in FY 1988 and FY 1989.

Regulate vehicle emissions and fuels. In FY 1988 EPA will continue to develop new regulations for testing fuels and fuel additives prior to registration, controlling sulfur in diesel fuel, controlling refueling emissions and evaporation of gasoline (both also with ozone control potential), and controlling emissions from methanol fueled vehicles. EPA will also decide on banning lead in gasoline.

The regulations on testing fuels and fuel additives prior to registration are expected to be in effect by 1989-1990. Implementation of these regulations will result in additional information on substances with a newly recognized potential for direct toxic effects or for damaging vehicle emission control systems. The availability of this new information may result in additional rulemaking through the 1990's to control or prohibit specific substances identified in the registration process.

Use other statutory authority. The air toxics strategy commits the Agency to increased use of Federal authorities in addition to actions taken under section 112 and regulation of vehicle emissions and fuels. EPA will emphasize implementation of other provisions of the CAA which indirectly reduce air toxics. For example, an NSPS for wood stove emissions that will be promulgated in FY 1988 will reduce particulate emissions, some of which are toxic. Other NSPSs for particulate matter and VOCs will similarly reduce toxic constituents.

The EPA will also use Federal statutes other than the CAA to control air toxics. For example, the air program is developing, under the Resource Conservation and Recovery Act (RCRA), regula-

tions for toxic air emissions from seven types of hazardous waste treatment, storage, and disposal facilities (TSDFs). The air program is also considering the use of the Toxic Substances Control Act (TSCA) to regulate chromium emissions from comfort cooling towers. Final regulations under TSCA or the CAA for comfort cooling towers are scheduled in late FY 1988 or early FY 1989. In addition, EPA is preparing a comprehensive strategy for controlling solvent emissions. Development of proposals under appropriate authorities: TSCA; the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Safe Drinking Water Act (SDWA); or the CAA will be underway in FY 1988. The Agency also will be implementing decisions issued in FY 1987 on controlling new and existing municipal waste combustors. Finally, EPA's Regional air program staff will continue to coordinate with their counterparts in the Regional hazardous waste program and provide technical support to help address air toxics in the clean-up of Superfund sites and the issuance of RCRA permits.

Key FY 1988 Headquarters Actions

- \* (1) Continue the pollutant assessment and evaluation program. -  
Publish regulatory decisions for 10-12 potential hazardous air pollutants. (OAQPS)
- \* (2) Promulgate hazardous organic NESHAPS (eight organic compounds), NESHAPS for coke oven emissions (charging, top-side, and doors), and NESHAPS for benzene emissions (coke oven final coolers). Promulgate revisions to current asbestos NESHAPS. Propose Federal regulations for two chromium sources (electroplating and cooling towers). (OAQPS)
- \* (3) Continue to develop NESHAPS for 10 pollutants for which -  
Notices of Intent to List were published in 1985. Develop NESHAPS for other pollutants for which Intent to List notices were published in FY 1986 and FY 1987. (OAQPS)
- \* (4) Promulgate NSPSs for residential wood stoves. (OAQPS) →
- \* (5) Continue development of regulations under RCRA to control -  
air toxics emissions from seven types of TSDFs: surface impoundments, landfills, storage tanks, waste piles, land treatment facilities, containers, and transfer operations. Promulgate fugitive and waste solvent regulations in support of RCRA land banning actions in FY 1988. Propose regulations in early FY 1988 for remaining sources. (OAQPS)
- \* (6) Decide on ban on lead in gasoline and implement follow-up actions. (OMS)

- \* (7) Decide on a rule on evaporative vehicle emissions (fuel volatility) and implement follow-up actions. (OMS)
- \* (8) Publish a Notice of Proposed Rulemaking (NPRM) on fuels and fuel additive testing protocols. (OMS)
- \* (9) Publish an Advance Notice of Proposed Rulemaking (ANPRM) and an NPRM on diesel fuel quality. (OMS)
- \* (10) Promulgate methanol vehicle emissions standards. (OMS)

#### Key FY 1988 Regional and State Actions

- \* (1) Provide technical support in clean-up of Superfund sites on The National Priority List to reduce risks from toxic air pollutants during removal and remedial activities.

#### 2. Planning and State Support

Strong and effective State and local air toxics programs are essential to the implementation of the EPA air toxics strategy. The EPA national strategy depends on acceptance by State and local agencies of the following responsibilities:

1. Implementing and enforcing delegated NESHAPs.
2. Controlling high-risk point sources of local concern that are not appropriate for Federal regulation.
3. Building the technical, regulatory, and administrative capabilities needed to implement an effective program through the development and implementation of multi-year development plans.
4. Assessing the health impacts in high-risk urban areas and reducing air toxic emissions that result from the combined effects of numerous sources and pollutants.

NESHAPs enforcement and delegation are discussed in the enforcement section on page 14. The other activities and responsibilities are discussed below.

High-risk point sources. One of the major State responsibilities under the State air toxics program enhancement effort is the identification and regulation of high-risk point sources that are not appropriate for Federal regulation. States will have the primary responsibility for determining these sources. EPA will assist in this process by continuing to identify, as part of the pollutant assessment and NESHAPs decision-making process, sources (cancer and non-cancer) that will not be regulated at the Federal level. In some cases, sources with high residual risk

after the imposition of NESHAPS may also be suitable for further State investigation.

In FY 1988 EPA will continue to provide grant funds to support high-risk point source evaluations and regulatory efforts by States. EPA will also continue to provide grant funds for "promoted initiatives" to support more detailed evaluations of specific sources by the States. EPA will oversee State and local implementation of the high-risk point source program and evaluate the need to continue grants for specific promoted initiatives.

Once States have identified high-risk sources of concern, they should decide on the need for control, and on the degree of control required. EPA will provide information to the States from which they can derive their own acceptable ambient limits (AALs), best-technology decisions, or other bases for regulation. This includes health assessment documents, source and exposure documents, risk reference doses (RFDs), EPA risk assessment and risk management actions via the Integrated Risk Information System (IRIS) and the National Air Toxics Information Clearinghouse (NATICH), data contained in the Interim Air Toxics Data Base, information on other State regulatory approaches (AALs, etc.), and operation of an air toxics control technology center.

Urban multi-source, multi-pollutant problems. The air toxics strategy recognizes the need for assessment and mitigation of the accumulation of toxic compounds in the air of many urbanized areas. In FY 1988 EPA will provide continued grant support to assist State and local agencies in developing and implementing assessment activities in approximately 30 major urban areas and to provide assistance for the demonstration of local control programs or mitigative actions in at least five such areas. In addition to providing grant support for these State and local activities, EPA will provide technical guidance and assistance in carrying out the programs. These support activities include ambient monitoring, emission inventory development, and modeling/risk assessment guidance and assistance. EPA will continue to present workshops in FY 1988 to transfer guidance and information to the States.

The Agency will continue to take advantage of the development of new ozone and particulate matter SIPs by the States to encourage incorporation of toxic considerations into the process. Much of the toxics control that has been achieved in the past is closely related to VOC or particulate matter controls in SIPs. The SIP guidance will recognize the potential dual benefits of criteria and toxic pollutant reductions.

Enhancement of State and local air toxics programs. The strategy sets a goal for all States of establishing quality air toxics programs that are adequate in size and capability to carry out State

requirements and those activities envisioned for them in the strategy. The enhancement activity is the principal means to accomplish these goals. In general, it consists of setting grant priorities that promote the development of State and local programs that are responsive to both local air toxics concerns and to national priorities; providing technical support to build necessary State and local capabilities; and monitoring the evolution of air toxics programs and measuring their effectiveness.

Nearly all State and major independent local agencies have been able to establish high quality multi-year development plans to address air toxics. These plans contain specific performance milestones established as part of grant negotiations. The multi-year development plans are more flexible than SIPs because their components are established and amended through grant agreements, rather than through a regulatory process.

In FY 1988 Headquarters will stress implementation of previously accepted commitments and integration of air toxics activities with ongoing particulate matter/ozon SIP activities. In addition, Headquarters will issue guidance for reviewing the effectiveness of State and local programs, complete a national report describing the FY 1987 experience with multi-year development plans, and provide the necessary technical support to accomplish the stated objectives. Regions will continue to negotiate new multi-year development plan commitments and submit them to Headquarters. Regions will also review the implementation of FY 1987 milestones, take appropriate new actions, and begin to evaluate the environmental effectiveness of selected State and local programs.

#### Key FY 1988 Headquarters Actions

- \* (1) Identify high-risk point sources from EPA's assessment and NESHAPS decisionmaking process and allocate program grant funds for specific promoted initiatives. (OAQPS)
- \* (2) Establish and operate an air toxics control technology center to provide direct engineering support (on an as-requested basis) to State and local agencies in solving problems of assessing and controlling stationary sources. (OAQPS and ORD) +
- \* (3) Develop additional implementation and technical guidance for the high-risk point sources and urban multi-source programs. Technical guidance will involve health documents, source information, emission factors, results of EPA exposure and risk assessments, example programs and practices, and modeling and monitoring guidance. This information will be disseminated by workshops, training courses, and written documents. (OAQPS) -

- \* (4) Develop additional guidance for multi-year development plans, review plans for adequacy, and track progress by issuing a national summary report. (OAQPS) +
- \* (5) Develop additional guidance to promote analysis of the interaction between VOC and particulate matter programs and air toxics control. (OAQPS) -
- \* (6) Enhance the design and operation of NATICH, providing a primary referral service for obtaining information and expertise on hazardous air pollution sources, emissions, control technology, health effects, exposure, and ambient concentrations. (OAQPS) -
- \* (7) Involve State and local representatives, including the State/EPA Committee, in early strategy development discussions. (OAQPS and OEA)

#### Key FY 1988 Regional and State Actions

- \* (1) Allocate program grants for high-risk point sources, multi-year development plans, and urban toxics assessment and mitigation. Negotiate appropriate commitments by States and submit to Headquarters. (Regions) -
- \* (2) Continue screening activities to identify high-risk point sources. Conduct evaluations and make decisions regarding further control. (States) -
- \* (3) Upgrade new source review procedures to incorporate review of air toxics emissions. (States) +
- \* (4) Provide support to requesting State and local agencies making key program development and implementation decisions. (Regions) +
- \* (5) Provide timely information and updates to NATICH regarding State and local activities, helping to maintain effective and current clearinghouse operation. Continue to provide updates to the Interim Air Toxics Data Base. (States) -
- \* (6) Consider the impact on air toxics in developing SIP revisions for new PM<sub>10</sub> standards and additional VOC measures in ozone nonattainment areas. (States) -

### 3. Enforcement

NESHAPS enforcement. To assist in the implementation of the air toxics strategy, the compliance and enforcement program (1) will ensure sources subject to existing and new NESHAPS are in compliance, (2) will establish and implement a NSPS program for wood

stoves, and (3) will overview State and local air toxic compliance activities. EPA and the States will continue to give priority to administrative, civil, and criminal enforcement of NESHAPs. In implementing existing NESHAPs, EPA and States will continue to give priority to implementing the enforcement strategies for vinyl chloride and asbestos demolition and renovation. In FY 1988 EPA will promulgate regulations requiring renovation and demolition contractors to be trained in asbestos removal and disposal. Contractors will be required to maintain records of their training. Compliance inspections of demolition and renovations sites by EPA and State agencies will include checks of contractor training records. In FY 1987, Headquarters will develop a compliance and enforcement strategy that will be implemented in FY 1988 for the benzene NESHAPs.

Certification of wood stove production lines will begin in FY 1987 and will continue in FY 1988. Headquarters will complete implementation plans for the wood stove NSPS program in FY 1988. Also, Headquarters will direct a national certification program to be implemented by personnel located in the Regional Offices, but dedicated to the wood stove NSPS program. These people will be responsible for assisting in wood stove certification, including reviewing applications and test results, and monitoring a percentage of the performance tests. In addition, Headquarters will develop a parameter inspection enforcement strategy for the Regional Offices.

Mobile source enforcement. The goal of the mobile source enforcement program is to assure that regulations currently in effect are implemented by the affected industries. Regulations are in place for the control of diesel particulates, evaporative emissions of hydrocarbons, lead in gasoline, the granting of waivers for new additives for unleaded gasoline, and the registration of fuels and fuel additives. As a result of these regulations, the mobile source toxics enforcement program pursues enforcement activity in a number of air toxics related areas, including lead in fuel, alcohol, and emission control component tampering. A heavy-duty vehicle recall program will be initiated in FY 1988.

The mobile source program will have to increase its activity in the 1988-1994 period. Most of the rules listed above either are not yet effective (e.g., stringent, technology-forcing standards for particulates from heavy-duty engines come into effect with the 1991 and 1994 model years) or require additional mobile source enforcement activity in the future. In addition, the mobile source enforcement program will have to address the enforcement of new rules currently under development.

National air audit system. As part of the national air audit system, the Regions will review the compliance and enforcement programs of State and local agencies to evaluate their effectiveness in addressing the air toxics problem. The review will

include both enforcement of delegated NESHAPs and of State-developed air toxic regulations. This review will include assessing how well the States and EPA Regional Offices are integrating their air toxics regulations and programs into an overall compliance and enforcement effort.

Key FY 1988 Headquarters Actions

- \* (1) Develop implementation plans for the wood stove NSPS program and a wood stove parameter inspection enforcement strategy. (OAQPS) -
- \* (2) Review applications and certify eligible wood stove production lines. (OAQPS) +
- \* (3) Develop guidance for review of State and local compliance programs for delegated NESHAPs and State and local air toxics regulations. (OAQPS) +
- \* (4) Implement lead phasedown. (OMS) -
- \* (5) Implement evaporative hydrocarbon standards. (OMS)
- \* (6) Implement car/light-duty truck diesel particulate standards. (OMS)
- \* (7) Implement heavy-duty diesel particulate standards. (OMS)

Key FY 1988 Regional and State Actions

- \* (1) Implement the enforcement and compliance strategy for the benzene NESHAPs. (Regions and States) +
- \* (2) Review State and local agency air toxics compliance and enforcement programs for delegated NESHAPs and State and local regulations. (Regions) +
- \* (3) Ensure compliance with NESHAPs, in accordance with the timely and appropriate guidance. Continue to implement EPA's enforcement strategies for vinyl chloride and asbestos demolition and renovation. (Regions and States) -
- \* (4) Promote recommendations for improving performance in the delegated asbestos programs project, including improved asbestos demolition inspections and violation detection techniques. (Regions) +
- \* (5) Implement the wood stove parameter inspection enforcement strategy. (Regions)

4. Monitoring

In FY 1988 EPA will increase resources and activities to monitor air toxics in the ambient air. This will include ORD activities to develop and evaluate additional monitoring methods and quality assurance procedures and to expand the Toxic Air Monitoring System (TAMS). Guidance and technical assistance will be provided on sampling and analysis of air toxics; development and/or upgrading of air toxics monitoring programs via manuals, guidelines (analytical methods, quality assurance procedures, network design, siting and data analysis); and workshops. Grant funding will be provided to support the ozone related non-methane organic compound measurement program and to assess urban multi-pollutant toxics problems. EPA will work with States to maximize these resources to collect data on ambient air toxics.

Key FY 1988 Headquarters Actions

- \* (1) Expand the TAMS to four sites in each of five cities. -  
(ORD)
- \* (2) Provide technical assistance. (OAQPS) -
  - a. Continue to develop sampling and analytical methods, and explore new methods for potentially toxic compounds.
  - b. Develop and/or upgrade technical manuals and guidelines and hold workshops.
- \* (3) Acquire and analyze State and local air toxics pollutant -  
data. Produce final report of the Interim Air Toxic  
Volatile Organic Chemical Data Base and complete the con-  
version of this data base into the Aerometric Information  
Retrieval System. (OAQPS)

5. Program Assessment

The air toxics program includes a number of activities to provide oversight and assessment of both the basic strategy and its implementation projects. The mobile source programs continue to focus on assessing the effectiveness of various enforcement and control strategies on the mitigation of air toxics related to motor vehicles. The information generated through the fuels registration process should have defined most of the issues related to fuels and additives by 1992/1993. In addition, the mobile source program continues to examine the effects of new technologies used to control regulated pollutants in terms of their effects on currently unregulated pollutants (e.g., toxics), especially as they may be emitted under conditions not currently controlled by the Federal Test Procedure (e.g., under temperatures outside the 69 to 86°F specified for the standards); the quantification of emissions of other substances already known to be

emitted (e.g., formaldehyde) from motor vehicles; and the potential for achieving toxics control by the application or improvement of already established control mechanisms (e.g., better operation and maintenance of in-use vehicles through vehicle inspection and maintenance (I/M) programs). The results of these activities are expected to be a better definition and control of the contribution of mobile sources to the air toxics problem (currently identified as 60 percent of the problem) by the mid-to-late 1990's. The Federal enforcement activities will be a primary conduit for concrete information and data on the results of these control strategies. They will assist in quantifying the progress being made in achieving the emissions reductions contemplated by the vehicle emission standards and fuels regulations and redirecting the focus of the program into areas of most serious concern.

#### Key FY 1988 Headquarters Actions

- \* (1) Continue activities to update understanding of the air toxics problem and assess the Air Toxics Strategy and its implementation as related to the program goals and effectiveness measures. (OAQPS and OMS) +
- \* (2) Develop a national report regarding the overall effectiveness of the high-risk point source program based on the reviews of individual State activities, including recommendations for any appropriate changes in policy and/or support. (OAQPS)
- \* (3) Review multi-year development plans for adequacy and issue a national report that identifies approaches that have had the greatest success and summarizes progress, needs, and issues. (OAQPS) +
- \* (4) Operate the fuels registration program. (OMS) -
- \* (5) Assess effects of new technologies for effects on currently unregulated pollutants. (OMS)
- \* (6) Assess the potential for achieving toxics emissions control by the application or improvement of already established control mechanisms. (OMS) +

#### Key FY 1988 Regional Office and State Actions

- \* (1) Provide general oversight of State and local toxics programs and provide periodic information and reports concerning State and local activities, including the status of program development and specific regulatory actions. (Regions) +

- (2) Review initial implementation of multi-year development plan commitments for indications of program weaknesses, guidance needs, and environmental effectiveness. Submit summary reports to Headquarters. (Regions) +

#### B. Ozone Attainment

In FY 1988 EPA will carry out various programs to address new information on the health and welfare effects of ozone and continuing ozone nonattainment problems in numerous urban areas. These include programs to complete the review of the NAAQSS to more fully assess the magnitude of the nonattainment problem and progress in its control, to develop and implement new Federal control measures, to ensure effective implementation of existing controls and commitments, and to implement a national policy to address ozone nonattainment beyond December 31, 1987. These will require substantial effort on the part of EPA Headquarters and Regional Offices and, most significantly, by the State and local air agencies with affected areas.

##### 1. Federal Standards and Regulations

In FY 1988 EPA will continue the review of the existing ozone ambient standards. Also in FY 1988, EPA will implement additional Federal measures to control vehicle and stationary sources emissions of VOCs.

NAAQSS revision. During FY 1988 work on the review of the NAAQSS for ozone will be nearing completion. The proposal of revised or reaffirmed standards is expected in early FY 1989. A growing body of scientific data indicates that the health and welfare effects associated with ozone are more serious than envisioned in 1979 when the standards were last revised and that the current standards may provide little or no margin of safety. ORD will continue activities to determine the health effects of long-term exposure to ozone and the economic impacts to commercial crops and forests.

Motor vehicle controls. The control of refueling emissions can be achieved by requiring the adoption of Stage II controls by the States as part of their SIPs or by requiring that vehicles be manufactured with appropriate controls. A combination of both approaches is also feasible. The EPA Administrator is considering this issue. Specific implementation activity will be defined after a decision is made.

Emission standards are in place for the control of evaporative emissions from major classes of motor vehicles. However, the efficacy of control technology used to meet these standards is suspect when gasolines currently available in the marketplace are used. EPA is studying the problem and the alternatives for the

control of the excess evaporative hydrocarbons emitted, including the control of gasoline's evaporation characteristics. No emission reductions from these actions are expected before 1989.

EPA expects that additional hydrocarbons emission reductions can be achieved from light-duty trucks if the emission standards applicable to these vehicles are tightened. EPA is currently in process of revising these standards, with a proposed rule expected during FY 1988.

NSPS development. EPA will maintain ongoing efforts to assess and develop NSPSs for key VOC source categories on the Agency priority list. The focus will be on several categories involving the synthetic organic chemical manufacturing industry (SOCMI) and surface coating.

#### Key FY 1988 Headquarters Actions

- \* (1) Continue on schedule the review process for the ozone NAAQS. (OAQPS) -
- \* (2) Promulgate seven NSPSs for VOC source categories (polymeric fabric coating, petroleum refinery wastewater treatment, SOCMI reactor processes, and four polymer manufacturing categories). -
- \* (3) Implement refueling controls development, following decision on control alternative. (OMS) +
- \* (4) Control gasoline evaporation. (OMS) -
- \* (5) Propose light-duty truck hydrocarbon standards. (OMS) -

#### 2. Planning and State Support

The ozone program in FY 1988 will require both continued implementation of existing measures to control emissions of VOCs and implementation of the new national policy for post-1987 nonattainment areas. As the statutory attainment deadline of December 31, 1987 passes, emphasis will shift to the post-1987 nonattainment areas and to the new or focused Federal and State efforts that will be needed to address problems in these areas. However, it is still important that existing SIP commitments be met to provide for attainment, where possible, continued progress in other areas, and maintenance of emission reductions that have been achieved. -

Fully implement existing SIP requirements. Previously approved ozone SIPs contain commitments to prepare and implement regulations and programs that are essential to attainment of the NAAQSs.

During FY 1987 and FY 1988, EPA and States will need to concentrate on completing fully any remaining commitments for implementing these regulations and programs, consistent with national policies, guidelines, and schedules in these SIPs. The EPA Regional Offices and States will need to carefully review and document the progress toward meeting the ozone NAAQS in nonattainment areas. These activities will occur primarily in extension areas (i.e., those areas with approved plans for attainment by December 31, 1987) and areas where earlier attainment was projected, but where the SIPs were subsequently found to be inadequate to provide for such attainment. For the areas that cannot attain by the end of 1987, these activities will be further augmented through the four-part national ozone policy discussed below.

Post-1987 attainment: SIP calls. EPA will review the available air quality monitoring data to determine those areas that have not attained the ozone standard by the end of 1987. Particularly for areas that are "marginally" nonattainment, air quality data for the most recent ozone season (i.e., 1987) will be needed on an expedited time frame to support these determinations. EPA will issue guidance outlining the process and schedules for Regional Offices and States to follow in submitting the data by late 1987 or early 1988. After determining the areas still violating the ozone NAAQS after 1987, EPA will issue SIP deficiency notices to States for those areas in early 1988. Over the following 12 months (i.e., the balance of FY 1988 and first part of FY 1989), States will need to revise their SIPs consistent with the post-1987 policy. The requirements for the States and the SIP revisions due in one year will vary depending on the nature and severity of the ozone problem. Implementation of parts one and two and at least portions of part three of the national policy will be required in all areas. All part three measures and part four requirements may be needed in areas experiencing the worst ozone problems.

The major activities for EPA in FY 1988 will be completion of the guidance for use by States in revising their SIPs under the post-1987 policy and the implementation of various Federal activities in the policy. For States, the major activities will focus on preparing revisions to their SIPs to implement parts one and two and the necessary elements of parts three and four of the policy. Both EPA Headquarters and Regional Offices will work closely with States during the preparation of the revised SIPs.

The following discussions describe specific requirements anticipated by the current draft of the post-1987 policy. The policy will continue to evolve during the next several months. Changes in some of the requirements described below may occur as the policy is completed.

Post-1987 attainment: part one requirements. Part one calls for a series of steps to improve the effectiveness of the post-1982 policy programs and regulations to reduce further the VOC emissions in nonattainment areas. EPA will complete the preparation of guidance and begin developing technical support (workshop material, training courses, technical memorandums, etc.) aimed at improving the implementation of these existing programs and achieving the projected emission reductions. In preparing their post-1987 SIP revisions, States will need to commit to improve existing programs through participation in training courses and use of other technical support related to ozone control. States will also need to (1) review their programs and regulations and ensure they are consistent with national guidance and policies; (2) work with EPA to expand stationary source compliance programs; (3) put in place procedures for evaluating periodically individual rule effectiveness; and (4) refine monitoring networks where necessary to support modeling and attainment demonstrations. EPA will work with States in identifying rule inconsistencies or problem areas that should be addressed in the SIP revisions.

Deficiencies in State and local vehicle I/M programs that result in not achieving the emission reductions called for in the SIP have to be corrected. States and localities are expected to remedy such deficiencies as they discover them through their program monitoring and audit activities. Regional Offices, in concert with EPA Headquarters, will be expected to bolster State and local action as required by the specific circumstances related to each program. Remedial action is expected to be expeditious since making existing control requirements work as designed is one of the most effective control measures.

Post-1987 attainment: part two requirements: Within part two, EPA will continue implementation of selected national motor vehicle-related control measures (see "Federal Standards and Regulations" above). The EPA will also develop guidance for new stationary source measures required for all areas receiving SIP calls. This guidance will take the form of (1) control technique guidelines (CTGs) or similar documents describing reasonably available control technology (RACT) for the selected existing source categories and (2) policy changes and implementation instructions for new source review. Guidance will also be prepared to describe how the CTGs or other control information should be applied. ORD will continue efforts to identify and improve control technologies for VOC emissions. The EPA Regional Offices will work with States to ensure that appropriate rules and procedures are modified or added to accommodate necessary new source review changes. States will need to add or modify their regulations to incorporate the additional RACT measures and the new source review changes into their SIPs.

Post-1987 attainment: part three requirements. In FY 1988 part three of the national policy will require States to initiate the necessary modeling activities and evaluation of additional measures that may be needed. Detailed modeling analyses to demonstrate attainment will be required within one year for areas with high ozone levels. The demonstration analyses for other areas would be given an additional two years for completion. The demonstration analyses will have to select from the "part three menu" of measures those needed to show attainment. The EPA will review controls in State regulations throughout the country as a basis for the development of the "part three menu" of measures. States will be expected to revise their SIPs, in accordance with the ozone policy, to incorporate improved I/M programs that will achieve feasible additional emission reductions from in-use motor vehicles. These program will have to be implemented in addition to improving existing program operations to the level required to meet current SIP requirements. Specific guidance on enhancement of I/M programs will be provided as part of the ozone policy and the calls for revisions to SIPs for nonattainment areas.

Post-1987 attainment: part four requirements:

Areas that cannot demonstrate attainment of the standard in the near-term with parts one, two, and three will have to include the requirements of part four in their SIP revisions. In future years under part four, EPA will develop additional measures that States must consider for implementation. States will also need to continue to review and document their progress toward attainment, instituting programs to track and report on key emissions changes. The EPA will review the States' efforts and determine whether the requirements of part four are being satisfied.

Key FY 1988 Headquarters Actions

- \* (1) Develop and issue guidance outlining the activities and schedules for Regional Offices and States to follow in expediting submittal of air quality data for the 1987 ozone season. (OAQPS) +
- \* (2) Assess and determine the areas not attaining the ozone NAAQS by December 31, 1987. (OAQPS) +
- \* (3) Coordinate among Regions the preparation of SIP deficiency notices for continuing nonattainment areas. (OAQPS and OMS) +
- \* (4) Complete the guidance for use by States in revising SIPs to implement the post-1987 policy. (OAQPS and OMS) -

- \* (5) Develop various technical guidelines to assist States implementing specific regulatory parts of the post-1987 policy. (OAQPS and OMS) ~
- \* (6) Audit I/M and tampering control programs. (OMS)
- \* (7) Assess operating problems of I/M and tampering programs as they arise. (OMS)
- \* (8) Support development of State I/M and tampering programs through the development of technical information and assistance. (OMS)

#### Key FY 1988 Regional Office and State Actions

- \* (1) Review and document progress toward meeting the ozone NAAQS in nonattainment areas. Document the implementation status of existing SIP commitments. (Regions and States) +
- \* (2) Expedite submittal of monitoring data for the 1987 ozone season. (Regions and States) +
- \* (3) Issue SIP deficiency notices to States following consultation with EPA Headquarters and analysis of SIPs. (Regions) +
- \* (4) Initiate SIP revisions to implement the post-1987 policy. (States) +
- \* (5) Work with States in analyzing SIP deficiencies and developing appropriate remedies for inclusion in SIP revisions. (Regions) +
- \* (6) Audit I/M and tampering control programs. (Regions)
- \* (7) Develop and implement enhanced vehicle inspection programs. (States) +

### 3. Enforcement

Stationary sources. A major focus in FY 1988 of the traditional stationary source compliance and enforcement program will be efforts to address the ozone nonattainment problem. The EPA will work extensively with State and local agencies to enhance the compliance of sources subject to the VOC air quality regulations in ozone nonattainment areas. EPA will concentrate on four elements of the compliance and enforcement program: the timely and appropriate guidance, the Federally-reportable violations guidance, the compliance strategy for small VOC sources, and VOC compliance workshops and inspection manuals. Together, these key

elements will provide EPA Regional Offices and State and local agencies with the tools to accurately assess compliance problems within specific nonattainment areas, to determine which violations are to be reported to EPA, to identify the relative roles and responsibilities of EPA and States in returning significant violators to compliance, and to determine the need for further action, including criminal enforcement.

Special attention in FY 1988 will be focused on identifying and resolving significant violators of VOC emissions requirements. During FY 1987 EPA, working jointly with STAPPA/ALAPCO, will develop a strategy addressing selected categories of small VOC sources located in ozone nonattainment areas where small sources contribute significantly to nonattainment. Implementation of this strategy will begin in FY 1988. The strategy will focus on a limited number of VOC categories, including service stations-- stage 1, coaters of miscellaneous metal parts, dry cleaners, graphic arts, and coaters of fabric and vinyl. The strategy will not require inspection of all small sources in selected VOC categories. EPA's strategy will identify two non-traditional approaches: compliance promotion and targeted inspections. Compliance promotion is a method to ensure that small sources know and understand the VOC compliance requirements. The targeted inspection program will inspect a random sample (about 30 inspections per selected category) to provide compliance information and to establish an enforcement presence.

Mobile sources. The enforcement program for mobile sources consists of a Federal program aimed at: (1) control of emissions from motor vehicles by manufacturers, (2) control of lead and other catalyst poison content of gasoline, (3) prevention of tampering with emission control systems, and (4) bolstering and assuring that States and localities carry out their own in-use vehicle emissions control programs. Direct Federal enforcement of regulations applicable to motor vehicles will continue in FY 1988 using the full range of authorities provided by the Clean Air Act, i.e., pre-production certification, assembly line testing, tampering investigations, and recall of in-use vehicles.

The program will focus on sources of evaporative hydrocarbons and in-use compliance with hydrocarbon standards by light-duty trucks, a rapidly growing segment of the vehicle population. Enforcement will start a modest effort aimed at heavy-duty trucks and vehicles at high altitude. The Federal program will also enforce regulations applicable to lead in gasoline, as well as continue to control the introduction of new additives and fuels through the enforcement of fuels and additives registration and fuel additive waivers. The enforcement of lead related regulations will be focused on facilitating State and local action to control fuel switching. Control of tampering will be continued by focusing Federal efforts on significant violators of the

Federal prohibitions (which do not apply to individual owners) and by supporting State and local program development and enforcement actions (which can be directed at individual owners). Finally, Federal actions will also be aimed at assuring that States achieve full compliance with the requirements of their I/M programs.

#### Key FY 1988 Headquarters Actions

- \* (1) Evaluate and ensure consistent implementation of the timely and appropriate guidance and the Federally reportable violations guidance. Complete the post-1987 enforcement policy and revise current national guidance. (OAQPS) -
- \* (2) Manage the Compliance Data System. Continue to inventory VOC sources, emphasizing the identification of small VOC sources that significantly contribute to ozone nonattainment. (OAQPS) -
- \* (3) Develop VOC compliance workshops and VOC inspection manuals. Provide technical support and expertise, as needed, to the Regional Offices and States in conducting inspections and addressing significant violations. (OAQPS) -
- \* (4) Continue pre-production certification, assembly line testing Selective Enforcement Audits, and recall programs. Focus on sources of evaporative hydrocarbons and in-use compliance with hydrocarbon standards by light-duty trucks. (OMS) -
- \* (5) Start enforcement (recall) for heavy-duty trucks and vehicles at high altitude. (OMS) +
- \* (6) Enforce regulations applicable to lead in gasoline. (OMS)
- \* (7) Enforce fuels and additives registration and fuel additive waivers requirements. (OMS)
- \* (8) Support State and local enforcement action to control fuel switching and tampering. Focus Federal efforts on significant violators of the Federal prohibitions on tampering. (OMS)
- \* (9) Assure that States achieve full compliance with the requirements of their vehicle inspection programs. (OMS)

#### Key FY 1988 Regional Office and State Actions

- \* (1) Implement the small VOC source compliance strategy. (Regions and States) +

- \* (2) Implement the guidance on defining a Federally reportable violation and the timely and appropriate response guidance. Resolve, consistent with EPA policies, violations of SIP regulations by VOC sources. Identify and resolve significant violations. (Regions and States)
- \* (3) Assure that appropriate violations are entered into the Compliance Data System consistent with the new guidance on defining a Federally reportable violation. Where compliance schedules for sources have been established, track these schedules to assure timely compliance. Assure that the system contains acceptable compliance status information for these sources. (Regions and States)
- \* (4) Implement the new EPA Federal Facilities Compliance Strategy by providing appropriate technical assistance and taking expeditious actions when violations occur at Federal facilities. (Regions)
- \* (5) Develop and implement in-use vehicle emissions control programs. (States)
- \* (6) Develop and implement tampering and fuel switching control programs. (States)
- \* (7) Assure that States achieve full compliance with the requirements of their vehicle inspection programs. (Regions)

#### 4. Monitoring

The measures required in ozone SIPs are clearly more effective and defensible if based on a strong data base. The data base needed to develop defensible SIPs includes ambient concentrations of ozone, non-methane organic compounds (NMOCs), and oxides of nitrogen (NO<sub>x</sub>). Meteorological measurements and emission estimates for VOCs, and the resulting information, is used to determine attainment status, to estimate the reduction in emissions needed to attain the ozone NAAQS, and to help track whether reasonable further progress is being made toward attainment of the NAAQS. Minimum data base recommendations for ozone SIPs were identified in a January 1981 Federal Register notice. Minor changes are being made to these recommendations. The changes suggest sampling for NMOC at (at least) two sites and analyzing the data by gas chromatographic (GC) sum of species or by using a cryogenic pre-concentration approach. As before, at least three ozone monitoring sites will be needed for smaller urban areas with marginal ozone problems. However, five or more are strongly recommended for larger urban areas with ozone concentrations at or above 0.14 ppm. NO<sub>x</sub> monitors should be co-located with each NMOC

monitor. Inventory and meteorological measurements should be sufficient to support a city-specific EKMA (i.e., "Level III") modeling analysis. ORD will continue programs to simplify and validate regional and urban ozone models.

EPA anticipates that NMOC monitoring will be necessary every year for the foreseeable future. Current plans call for monitoring to be performed in each urban nonattainment area on a three-year cycle (i.e., every third summer in a given city until the ozone NAAQS is attained). During FY 1987, 20 major centers having populations greater than one million and ozone levels at least as high as 0.15 ppm were targeted as candidates for NMOC monitoring. During FY 1988, approximately 20 additional cities will need to monitor for NMOCs as part of the three-year cycle. During FY 1988, State and local agencies will also need to assure that NO<sub>x</sub> data collected at NMOC sites are of high quality, and that high quality ozone data are collected from at least the minimum recommended number of sites in each city.

During FY 1988 a program begun in FY 1987 to update and improve VOC and NO<sub>x</sub> emission inventories will need to be continued. In FY 1987, this program focused on the largest and worst urban areas. Plans for FY 1988 are to update inventories in the smaller cities having more moderate ozone levels. At a minimum, emissions from TSDFs and publically-owned treatment works (POTWs) should be identified and incorporated into the inventory. Mobile source emissions should be updated using the most current version of the MOBILE model.

During FY 1986 EPA developed revised guidance for the submission of reasonable further progress (RFP) reports that States will need to periodically prepare to track progress towards attaining the ozone standard. The revised guidance applies to each area that will receive a post-1987 ozone SIP call. The first report will be due one year after the State submits to EPA its revised SIP for post-1987 nonattainment areas. In FY 1988 States should work to develop this program, including activities to (1) identify the key sources/source categories whose progress towards compliance will be tracked in the RFP process, and (2) develop the baseline data that will be needed to track progress and satisfy RFP reporting requirements in the future.

#### Key FY 1988 Headquarters Actions

- \* (1) Disseminate the results of summer 1987 NMOC and NO<sub>x</sub> monitoring, including the resulting NMOC/NO<sub>x</sub> ratio data, to Regional Offices/States to allow use of these results in preparation of "post-1987" SIP analyses. (OAQPS) +

- \* (2) Coordinate activities to ensure the availability of a central, contractor-operated laboratory to analyze NMOC samples and return sampling cannisters to the field. (OAQPS and ORD) +
- \* (3) Provide technical assistance and consultation to those Regional Offices wishing to set up a Regional laboratory for analyzing NMOC samples. (OAQPS and ORD) +

Key FY 1988 Regional Office and State Actions

- \* (1) Select appropriate sites and conduct monitoring for NMOCs and NO<sub>x</sub> at these sites during June-September 1988 in all cities identified as needing monitoring data during FY 1988. (Regions and States) -
- \* (2) Update VOC and NO<sub>x</sub> emission inventories for designated cities, incorporating latest available stationary source emission factors and mobile source models. (States) -
- \* (3) Evaluate existing ozone monitoring networks to ensure they meet or exceed minimum recommendations. (Regions and States) -
- \* (4) Review air quality data identifying the five highest 1987 ozone concentrations at each monitoring site in every Metropolitan Statistical Area (MSA) with a 1984-86 ozone design value greater than 0.12 ppm within 60 days of the end of the ozone season for each area. (Regions and States) +
- \* (5) Evaluate ozone and NO<sub>x</sub> ambient data to ensure they meet published quality assurance requirements. (Regions and States) -
- \* (6) Begin or continue assembling data bases and instituting programs to meet RFP reporting requirements. (States)

5. Program Assessment

The EPA will work with States through the existing National Air Audit System to complete a detailed review of one or more VOC regulations per year to determine effectiveness of the VOC control program. The EPA Regional Office and the State will jointly report on the results of this review, and the State should then take appropriate actions to remedy identified problems. Although EPA will develop and discuss with States in FY 1988 the guidance and procedures for conducting these reviews, the reviews themselves will probably not be initiated until after the SIPs are revised and submitted to EPA.

In FY 1988 EPA will increase auditing of State new source review and I/M programs. The EPA will also expand its overview of State and local enforcement activity, particularly in regard to larger VOC sources and sources with significant violations.

Audits of I/M and tampering control programs will be continued to assure that they meet the requirements for achieving emission reductions required by the SIP. Additionally, Federal surveillance and enforcement programs for fuel switching, tampering, in-use vehicle emissions, control technology assessment, and fuel and fuel additive use will provide information on the effectiveness of control programs, and will lead to corrective actions if required.

Key FY 1988 Headquarters Actions

- \* (1) Implement enhanced auditing and enforcement of new source review and I/M programs. (OAQPS and OMS) +
- \* (2) Complete guidance for rule effectiveness evaluations. (OAQPS) +
- \* (3) Continue tampering and fuel switching surveys. (OMS)
- \* (4) Continue in-use vehicle emissions surveillance and monitoring, for both properly used and maintained vehicles and representative in-use vehicles of all classes. (OMS)
- \* (5) Operate fuels registration and surveillance program. (OMS)

Key FY 1988 Regional Office and State Actions

- \* (1) Distribute/review with States guidance on rule effectiveness evaluations and implement for one or more regulations. (Regions) +
- \* (2) Coordinate enhanced compliance/auditing programs within the Region. (Regions) +
- (3) Audit and analyze I/M and tampering control program effectiveness. (Regions)

### C. PM<sub>10</sub> Attainment

In FY 1987 EPA expects to complete decisions that will require major restructuring of current programs for the measurement and control of ambient particulate levels. This change in the national program will require substantial efforts by EPA, States, and local air pollution control agencies over the next several years. Many of the actions that State and local agencies will need to undertake are due for completion during FY 1988.

#### 1. Federal Standards and Regulations

The starting point for this major restructuring will be the changes to the NAAQSs for particulates and to the associated EPA regulations for implementing the NAAQSs.

NAAQS revision. The EPA efforts over the past several years to review and revise the NAAQSs for particulate matter will be completed by mid-1987. The basis for both the primary (health) and secondary (welfare) standards will change from total suspended particulates (TSP) to a size-specific component (PM<sub>10</sub>). The levels for the primary and secondary PM<sub>10</sub> NAAQSs are expected to be identical. The establishment of PM<sub>10</sub> standards also requires changes in the current emergency episode levels and the significant harm level for particulate matter, the applicability and level of review thresholds for prevention of significant deterioration (PSD), and State reporting requirements.

SIP and monitoring regulations. At the time the PM<sub>10</sub> standard is promulgated, EPA will revise existing regulations governing SIPs and the particulate monitoring programs (40 CFR Parts 51, 52, and 58). A guideline document, "PM<sub>10</sub> SIP Development Guideline," will accompany the regulations. This guideline, along with the regulations, will specify the changes in SIPs, demonstrations of SIP adequacy, new source review requirements, and modifications to the ambient monitoring network that will need to be developed by the States and submitted to EPA for approval. The requirements that States will have to meet in response to the NAAQSs depend upon the severity of the anticipated problem. EPA will conduct workshops during FY 1987 to review with States these requirements.

New source performance standards. EPA will consider the effectiveness of NSPSS in controlling PM<sub>10</sub> emissions as part of future reviews of the standards required by section 111(b)(1)(B) of the CAA.

#### 2. Planning and State Support

During FY 1988 State and local air pollution control agencies will need to devote significant efforts toward the completion of a number of regulatory planning and analytical steps culminating in the submission of SIPs for attaining and maintaining the NAAQSs.

SIP submission. The promulgation of the revised NAAQSs, the revision of the SIP and monitoring regulations, and the issuance of the SIP development guidelines in 1987 will set in motion a series of actions that States will need to undertake. At the time the PM<sub>10</sub> standards are promulgated, EPA will assess and classify all counties with particulate air quality data into one of three groups. Both ambient PM<sub>10</sub> data and TSP data will be reviewed in determining these categorizations. A probabilistic model employing TSP and PM<sub>10</sub> data for the most recent three-year period (1984-1986) will be a key element of the classification scheme.

Counties demonstrating a 95 percent or greater probability of violating the annual or 24-hour PM<sub>10</sub> NAAQS will be classified as Group I. These counties are the ones most likely to require major changes in their existing TSP SIPs. Counties demonstrating a probability between 20 percent and 95 percent will be classified as Group II. This includes counties where the nonattainment probabilities drop below 95 percent or rise above 20 percent because of PM<sub>10</sub> data in the "gray zone." (The "gray zone" is a  $\pm 20$  percent zone of uncertainty placed around the standard because of the uncertainty existing in the PM<sub>10</sub> measurements collected with particular PM<sub>10</sub> instruments.) For Group II counties, EPA believes there is enough uncertainty about the attainment status of the area that the Agency will allow time for States to monitor air quality and analyze the adequacy of the existing SIP before a revised control strategy is required. The only immediately required revisions to State regulations will be those implementing the preconstruction review (permit) requirements. For the remaining counties (i.e., Group III), EPA will assume that the current TSP SIP is fully adequate with no additional SIP revisions or commitments required, except those for preconstruction review.

Once the counties are classified, specific schedules identified in the guideline come into play requiring individual State submissions. States will need to complete the SIPs for Group I areas within nine months of the NAAQSs promulgation. These SIPs will have to include full control strategies and to demonstrate attainment as expeditiously as practical, but not later than three years (for the primary standards) from approval of the SIPs. The control strategies will have to be supported by complete, updated emissions inventories and appropriate modeling results. These SIPs must also provide for future maintenance of the NAAQSs and implementation of the preconstruction review requirements for the PSD and other new source review requirements, consistent with 40 CFR Part 51.165.

The SIPs for the Group II areas must also be submitted within nine months of the promulgation of the standards. These "commitment" SIPs must include enforceable schedules and appropriate milestones, as well as revisions to implement the preconstruction review requirements for PSD and 40 CFR 51.165. Required commitments

include: (1) the collection of ambient PM<sub>10</sub> data at the levels specified in the ambient monitoring regulations (40 CFR Part 58), (2) the analysis and verification of ambient PM<sub>10</sub> data and the reporting of 24-hour PM<sub>10</sub> exceedances, (3) notification of the EPA Regional Office of a nonattainment problem whenever the annual arithmetic mean or the number of 24-hour exceedances violate the NAAQSS, and (4) a determination whether the measures in the existing SIP will assure attainment and maintenance of the primary PM<sub>10</sub> standard and submittal of any necessary revisions to EPA.

For Group III areas, States will need to submit within nine months revisions to existing preconstruction review regulations required under PSD and 40 CFR 51.165. EPA will approve the current TSP SIP as adequate to maintain the PM<sub>10</sub> NAAQSS at the time it approves the preconstruction review regulations.

Requirements for analysis in group II areas. Beyond the submission of the committal SIPs required for Group II areas, the States will need to evaluate the adequacy of the existing SIPs and determine the need for further revisions. A State will be allowed up to three years from the date of the NAAQSS promulgation to collect air quality data, unless the NAAQSS are violated. At the end of the 37-month period following promulgation, all available PM<sub>10</sub> ambient data will be examined to determine if attainment can be demonstrated consistent with Appendix K of 40 CFR Part 50 or EPA's "Guidance on Exceptions to Data Requirements for Determining Attainment of Particulate Matter Standards."

As part of the review in Group II areas, States will need to make several determinations concerning the existing TSP control strategy and its implementation. First, States must determine if attainment can be demonstrated with modeling techniques. Second, States must determine if the existing TSP strategy has been fully implemented. Third, States must determine whether sources are substantially in compliance with existing regulations. Finally, States must determine if start-up, shutdown, and malfunction regulations are adequate. States will also need to assess the likelihood of PM<sub>10</sub> emissions increasing significantly, the proximity of actual emissions to allowable emissions, and the quantity and impact of emissions from sources that are not operating or operating at reduced capacity.

Rural fugitive dust policy. At least for the time being, EPA will continue to follow the rural fugitive dust policy established in 1977. Consistent with that policy, rural areas violating the PM<sub>10</sub> NAAQS because of rural fugitive dust will be categorized as Group III areas. These rural areas must be identified by a lack of major industrial development or absence of significant industrial particulate emissions and low urbanized population. EPA will publish alternative fugitive dust policies during FY 1987 and seek public comments. EPA may subsequently revise the current policy requiring SIPs for certain of the rural fugitive dust

areas. Submissions in such cases are not expected to be required before FY 1989.

Emission trades. States will not be required to automatically review particulate emission trades in response to the PM<sub>10</sub> NAAQS. However, emission trade agreements should be considered along with other particulate emission limits during the development of the PM<sub>10</sub> control strategy.

Key FY 1988 Headquarters Actions

- ° (1) Provide necessary interpretation and clarification on PM<sub>10</sub> + implementing regulations and guidelines as requested by individual Regions and States. (OAQPS)
- ° (2) Keep abreast and prepare periodic national reports on the + status of State progress toward the development and submission of PM<sub>10</sub> SIPs to EPA. (OAQPS)
- ° (3) Review regionally forwarded PM<sub>10</sub> SIPs for consistency with + requirements of the CAA, EPA implementing regulations, and guidelines for SIP development and approval, including required changes in regulations for preconstruction review. (OAQPS)
- ° (4) Expedite EPA Headquarters review and decisions on the ade- + quacy of State-submitted PM<sub>10</sub> SIPs and complete necessary rulemaking actions consistent with EPA policy. Convene necessary meetings of the PM<sub>10</sub> advisory committee to resolve national issues that surface during review of PM<sub>10</sub> SIPs. (OAQPS)
- ° (5) Complete action on review of rural fugitive dust policy + and issue final requirements for affected areas. (OAQPS)

Key FY 1988 Regional Office and State Actions

- ° (1) Provide technical and financial support to assist States - in developing PM<sub>10</sub> SIPs. Address requirements in the PM<sub>10</sub> implementing regulations and in the guideline for SIP development and submission, revision of preconstruction review provisions, collection and analysis of data, and review of existing control strategies as part of the Regional/State grant negotiations and agreements for FY 1988. (Regions)
- ° (2) Complete development and submit to the EPA Regional Office + on schedule, required SIPs and/or regulations for PM<sub>10</sub> in Group I, II, and III areas, including required regulations for preconstruction review. (States)
- ° (3) Implement the commitments identified within the committal + SIPs for Group II areas. (States)

- ° (4) Commence review and rulemaking actions on State-submitted +  
PM<sub>10</sub> SIPs. (Regions)
- ° (5) Identify and document inadequacies within State-submitted +  
PM<sub>10</sub> SIPs and notify States of necessary corrective  
actions for SIP approval. (Regions)
- ° (6) Respond to violations of PM<sub>10</sub> NAAQS identified in Group +  
II areas, including required notifications to EPA.  
(States)

### 3. Enforcement

While the PM<sub>10</sub> SIPs are under development and review, the Regions and States will need to continue to ensure the compliance of stationary sources subject to the existing control regulations in TSP SIPs. EPA will include in the review of the PM<sub>10</sub> SIP submittals the enforceability of the SIPs and individual regulations. If needed, EPA will work with the States to correct identified deficiencies that may hinder enforcement of the SIPs.

#### Key FY 1988 Regional Office and State Actions

- ° (1) Review enforceability of PM<sub>10</sub> SIP submittals. (Regions) +
- ° (2) Continue to inspect sources subject to existing TSP SIP -  
requirements, consistent with the EPA Inspection Frequency  
Guidance. Address and report violations according to  
previously issued EPA policies and guidelines on enforce-  
ment actions. (States)
- ° (3) Maintain the continuing compliance of sources with +  
existing TSP SIPs during the preparation and review of  
the PM<sub>10</sub> SIPs. (States)

### 4. Monitoring

Consistent with 40 CFR Part 58, each State will need to establish a PM<sub>10</sub> ambient air monitoring network following promulgation of the PM<sub>10</sub> NAAQSs. In FY 1988, EPA will focus on accomplishing three major elements of the PM<sub>10</sub> air monitoring program: (1) the development and approval of State and Local Air Monitoring System (SLAMS) and National Air Monitoring System (NAMS) networks for PM<sub>10</sub>; (2) the operation of an adequate network of PM<sub>10</sub> samplers; and (3) the timely reporting of PM<sub>10</sub> data produced by these network operations.

Each State, within six months after the effective date of promulgation of the Part 58 PM<sub>10</sub> regulations, is required to submit a SLAMS network and a NAMS network description. Regional Offices are responsible for the review and approval of the SLAMS networks. OAAQS is responsible for review and approval of the NAMS network description.

The relative priorities for the purchase and siting of PM<sub>10</sub> samplers described in the SLAMS and NAMS networks are shown below.

- ° First priority                      Completion of the NAMS networks
- ° Second priority                    Completion of the networks in Group I areas outside the NAMS urbanized areas
- ° Third priority                     Completion of the networks in Group II areas outside the NAMS urbanized areas

In determining which Group II areas to address, primary consideration will be given to the magnitude of the probability of non-attainment of the PM<sub>10</sub> standard and the population density of the Group II area. In attempting to meet deficiencies in Group II areas, consideration should be given to meeting these needs through redistribution of samplers currently located in Group III areas. It may be appropriate to establish monitoring in certain fugitive dust areas where the Regional Office and State believe measures to improve air quality may be warranted. As mentioned earlier, fugitive dust areas initially will be placed in Group III, pending review of the current policy.

Decisions on PM<sub>10</sub> SIP adequacy are heavily dependent on analysis of collected ambient PM<sub>10</sub> data. Therefore, timely reporting of the data to the national air data bank (within 120 days after the end of the quarterly sampling period) will be an important requirement of the FY 1988 program.

#### Key FY 1988 Headquarters Actions

- ° (1) Track State/Regional submittal of NAMS PM<sub>10</sub> network descriptions. Review, evaluate, and take follow-up action in order to conditionally or finally approve the NAMS networks. (OAQPS) -
- ° (2) Track the progress and adequacy of PM<sub>10</sub> data submittal. Issue periodic progress reports. In conjunction with Regions, take action to obtain delinquent PM<sub>10</sub> data. (OAQPS) -

#### Key FY 1988 Regional Office and State Actions

- ° (1) Submit SLAMS and NAMS network descriptions to Regional Offices within the required six months following promulgation of the PM<sub>10</sub> NAAQSs. (States) +
- ° (2) Review and approve SLAMS network descriptions. Assist States in expediting needed corrections or changes. (Regions) +

- ° (3) Assess NAMS network descriptions for completeness, and for compliance with Part 58. Submit to OAQPS for review and approval. (Regions) +
- ° (4) Implement networks in accordance with the negotiated schedules contained in the approved network descriptions. Operate samplers at the required sampling frequency and submit timely data to EPA. (States) +
- ° (5) Provide technical and financial support to assist States in establishing the PM<sub>10</sub> monitoring networks. Negotiate within the grant agreement commitments and funds for the purchase and operation of PM<sub>10</sub> samplers in required areas. Give priority first to NAMS, then Group I areas (outside urbanized areas), and finally Group II areas (outside urbanized areas). (Regions)

#### 5. Program Assessment

Source-specific SIP revisions submitted during the transition period from TSP to PM<sub>10</sub> will be reviewed for their impact on the PM<sub>10</sub> NAAQSS. Requests to redesignate a TSP nonattainment area to attainment will be reviewed on the basis of previously issued guidance for TSP redesignations. EPA will track State progress toward the preparation and submission of PM<sub>10</sub> SIP revisions and monitoring network descriptions. EPA will track completion of specific SIP and monitoring items as part of the Strategic Planning and Management System.

#### D. Emerging Issues

In FY 1988 EPA will determine the policy alternatives and strategy options available to address acid deposition, stratospheric ozone depletion, and indoor air pollution.

##### 1. Acid Rain

Identify policy implications of research results. In FY 1988 EPA will continue to emphasize the review of research results from the National Acid Precipitation Assessment Program (NAPAP). EPA's air program will actively participate in the research planning and evaluation processes of NAPAP and ORD to ensure that policy information needs are being adequately addressed by the national research program.

Evaluate critical implementation and policy issues. EPA will continue a cooperative effort with States to examine potential implementation issues associated with the enactment of an acid rain control program. In FY 1988 EPA will emphasize the development of specific options for resolving these issues.

## 2. Stratospheric Ozone Depletion

Meet EPA regulatory commitments. In FY 1987 EPA will focus on developing a national and international consensus on the nature and magnitude of the CFC problem, including negotiation of an international protocol and a decision on domestic regulation. In FY 1988 these efforts will continue and implementation efforts supporting domestic regulation and international protocols will be initiated, as appropriate.

## 3. Indoor Air

In FY 1988 OAR will produce a report delineating the state of knowledge concerning the nature and magnitude of exposures to indoor air pollution, the associated risks to the public health and welfare, and the causes of and solutions to the problem. The report will delineate an EPA policy and program strategy for mitigation of these risks and an evaluation of alternative actions the Federal government can take. The report will form the basis of a report to Congress (pursuant to the Radon Gas and Indoor Air Quality Research Act of 1986) due in the fall of FY 1989.

In cooperation with major national private sector organizations representing architects, ventilation engineers, building owners and managers, and public health professionals, OAR will produce a state-of-the art document on the causes, consequences, and solutions to indoor air pollution problems in non-residential buildings. The report will be a first step in EPA's strategy to mitigate what has become known as the "sick building syndrome." The report will contain practical steps for mitigation at each stage of the process in which a building is designed, constructed, occupied, maintained, and remodeled.

In cooperation with the organizations representing the State and local governments, and public sector interests, OAR will produce a guide to sources of information and services for indoor air pollution. This guide will be periodically updated and serve as the basis for communications between the public and private sectors. The guide will be organized for use by the general public seeking help on indoor air problems.

### Key FY 1988 Headquarters Actions

- ° (1) Evaluate the ORD and NAPAP research outputs and incorporate results into revised policy alternatives. (OPD)
- ° (2) Integrate and evaluate State and EPA issues related to implementation of an acid rain control program, seek review by State and Regional Offices, and incorporate results into revised policy alternatives. (OPD)

- ° (3) Publish a decision on the need for regulatory actions to reduce CFCs. (OPD) +
- \* (4) Report to Congress on indoor air, EPA's program strategy, and an evaluation of alternative actions for the Federal government to mitigate risks to the public health and welfare. The report is pursuant to the Radon Gas and Indoor Air Quality Research Act of 1986. (OPD) +
- \* (5) Complete a state-of-the-art report on the sick building syndrome, and practical measures that can be taken during all phases of building construction and operation to mitigate and prevent indoor air quality problems. The report will be produced as a joint cooperative effort between EPA and major private sector organizations. (OPD) +
- \* (6) Complete an inventory and guide to resources, expertise, and services in indoor air quality to serve as the foundation to communications and as a guide to the public on where to go to get assistance. (OPD) +

Key FY 1988 Regional and State Actions

- ° (1) Assist in the evaluation of State and EPA acid rain program implementation issues analyses. (States/Regions)
- ° (2) Assist in the development of acid rain program implementation options. (States/Regions)
- ° (3) Identify acid rain research needs of States and Regional Offices and provide these to the Multi-Media Energy Research Committee. (States/Regions)
- \* (4) Develop Regional strategies for addressing indoor air quality. Delineate Regional initiatives for FY 1989. (Regions) +
- \* (5) Establish a Regional indoor air task force to assist Headquarters in development of an indoor air strategy for support to State and local governments. (Regions) +

### III. RADIATION GUIDANCE

#### A. Indoor Radon

Radon is a naturally-occurring radioactive gas estimated to cause between 5,000 and 20,000 lung cancer fatalities annually. The Agency's Radon Action Program, instituted in FY 1986 to address the hazard of elevated radon levels in homes and other structures, will continue through FY 1988 and beyond.

##### 1. Federal Responsibilities

Congress has not designated a lead agency for addressing the indoor radon issue, but has recognized EPA's role in the passage of the Radon Gas and Indoor Air Quality Research Act of 1986. Currently, EPA and the Department of Energy (DOE) are pursuing complementary functions based on their respective areas of experience, expertise, and mandates. The DOE activities focus on basic research into radon production and migration and on elevated radon levels in homes due to certain energy conservation practices. EPA efforts are largely directed towards problem assessment, diagnostic and mitigation capability development, and information dissemination. Most importantly, in meeting the Agency's goals regarding radon, the Office of Radiation Programs (ORP) will foster the development of self-sufficient programs in the States and private sector. ORP will also ensure that the radon program addresses potential problems on Tribal lands.

##### 2. Planning and State Support

In FY 1988 ORP will continue to provide technical assistance related to radon to the States. This support includes providing geologic consultation, design and analytic support for surveys to identify high-radon areas, and diagnosis of elevated levels of radon in homes (40 homes in three or four States). The Radon Measurement Proficiency (RMP) program will continue to operate --providing information to consumers as to manufacturers and distributors of radon detection devices that give acceptably accurate readings. The total number of firms expected to participate will limit the number of rounds in this program to two for the year, as in FY 1987. Final measurement protocols are to be issued. The three-day diagnosis and mitigation training course will be updated and a new video tape will be made available to the States. Continued efforts are to be made in FY 1988 to encourage consideration of construction techniques that should reduce the level of radon in new homes. ORP will continue to provide training and develop and disseminate to the public new fact sheets and other information about radon and EPA's Radon Action Program.

##### 3. Monitoring

As part of the Radon Action Program, the design and pilot testing, and data handling system connected with a national survey are

expected to be completed by ORP in early FY 1988. Field work will then begin and continue throughout the balance of the year and for some time thereafter. This survey is structured to provide the basic statistical data on the overall distribution of radon levels throughout the country. The survey will help the Agency decide where to focus its limited resources in order to assist those States, local governments, and Indian Tribes who have the most serious radon problems and the least capability to address the problems themselves. The survey will also provide much of the information necessary for the Agency to prepare a report to Congress on the location of high levels of radon in homes, schools, and workplaces. This report is required by the aforementioned 1986 Act.

#### Key FY 1988 Headquarters Actions

- \* (1) Complete design and pilot testing of the national radon survey and initiate field work. (ORP) +
- \* (2) Provide report to Congress, as required by the Radon Gas and Indoor Air Quality Research Act of 1986. (ORP) +
- \* (3) Provide design and analysis support for State surveys. (ORP)
- \* (4) Continue the RMP program. (ORP)
- \* (5) Issue final protocols for measurement techniques. (ORP)
- \* (6) Update diagnosis and mitigation training course and prepare new videotape. (ORP) -

#### Key FY 1988 Regional Office and State Actions

- \* (1) Provide technical assistance, mitigation/prevention demonstration projects, and training to build State capability. (Regions) -
- \* (2) Respond to State and public inquiries and participate in public meetings and technical conferences. (Regions)
- \* (3) Train State staffs, initiate surveys, and provide radon information to constituents. (States)

#### B. Radiation Standards

The control and disposal of radioactive substances in an environmentally sound manner is a complex task that requires the collective efforts of the DOE, the Nuclear Regulatory Commission (NRC), individual States, and private industry, as well as EPA. The Agency's principal role in this effort is to establish environmental standards and guidance that limit exposure to various

categories of radioactive material thereby minimizing public health risks.

# 1. Federal Standards and Regulation

Radioactive waste. Because of the different types of waste being considered and different potential control options and costs, the problems have been treated separately in the development of standards for disposal of high-level wastes, low-level wastes (including natural and accelerator produced materials), and residual radioactivity at decommissioned nuclear facilities.

The high-level waste standard was promulgated in FY 1985 and is currently being incorporated into DOE and NRC regulations. ORP developmental work on a regulation for the land disposal of low-level waste will continue through FY 1988, with promulgation scheduled for FY 1989. The inclusion of measures for the protection of groundwater resources is an important consideration in this effort. In another effort, ORP is developing the low-level radioactive waste disposal portion of the Office of Water (OW) regulation for ocean disposal. This regulation will greatly aid in protecting aquatic life and human uses of the oceans. The substantive cooperative involvement with this OW effort will continue into FY 1988 (OW promulgation likely by the fourth quarter of the year). ORP will also complete work during this period on an extensive series of criteria and technical support documents essential to implement this rule. On another front, risk assessment and other technical work necessary to prepare generic guidance and source-based categorical standards for residual radioactivity will continue in FY 1988. When promulgated, these regulations will apply to some 20,000 nuclear facilities. The objective is to ensure an adequate level of public safety as these facilities are decommissioned and released for other uses.

Under a remand by the Tenth Circuit Court of Appeals, work will be completed in FY 1988 on a supplement to EPA standards for inactive uranium mill tailings sites issued under the Uranium Mill Tailings Radiation Control Act (UMTRCA). This new standard will provide for groundwater protection at 24 sites where DOE is charged with taking remedial action under Title I of the Act.

Other Federal radiation standards and guidance. In response to a court order, ORP promulgated in FY 1986, under the Clean Air Act, a NESHAP for radon-222 emissions from mill tailings at licensed uranium mills. Currently, ORP has underway the development of a series of documents to complete the "reserved" sections of the previously issued NESHAP for DOE and other Federal facilities, and the NESHAP for NRC licensed facilities. Included are: record-keeping requirements, models, and various criteria. Most of these items will be completed by late FY 1988. Also, a series of

guidance documents (essential for implementing all radionuclide NESHAPS issued to date) are in preparation and this effort will be completed in FY 1988. Beyond FY 1988, the emphasis will shift to providing the essential elements of an effective and continuing implementation program.

In FY 1988 a decision will be made, based on a risk assessment (Florida Field Studies) and a study of control techniques, on whether to begin development of standards for radionuclide emissions from phosphogypsum piles.

EPA is responsible for advising the President on radiation matters that directly or indirectly affect public health. Included is development of guidance for all Federal agencies in the formulation of their radiation standards. Federal radiation protection guidance for radiofrequency (RF) radiation is in preparation and scheduled for promulgation in early FY 1988. This landmark guidance will be implemented by other Federal agencies, such as the Federal Communication Commission (FCC), and the National Telecommunications and Information Administration (NTIA), -- many of whom have formally expressed the need for its development. The guidance will also serve as a useful information base for the communications industry and the public.

Protective Action Guides (PAGs) for radiation emergencies are under development. "Plume," and "Ingestion," and "Relocation" PAGs are scheduled for completion in FY 1988. When completed, they will be added to the Manual of Protective Action Guides--a document essential to the Federal government and the States in drafting their nuclear emergency response plans.

## 2. Implementation and Enforcement

The high-level waste standards will be implemented by DOE and NRC through incorporation into their rules and procedures. ORP has provided substantive input to these rule development efforts, has reviewed the proposed rules, and expects the final versions in FY 1987 or early FY 1988. EPA has no enforcement responsibilities for high-level waste disposal, but will begin in FY 1988 to track DOE and NRC compliance. Also, on a continuing basis, ORP will respond to requests for interpretation of EPA's standards and their application in specific cases. The approach regarding implementation of the UMTRCA groundwater standard in FY 1988 will be essentially the same.

Implementation of ocean disposal of low-level waste will begin in FY 1988. This will require ORP to work closely with OW to develop specific permit review procedures. ORP will then, in cooperation with the relevant Region(s), review permit applications and provide recommendations to OW on the low-level waste disposal aspects.

NESHAPS for five source categories emitting airborne radionuclides are currently in effect and will require various levels of implementation. The five rules encompass DOE and other Federal facilities, NRC licensees, uranium mines, uranium mills, and elemental phosphorus plants. It is estimated that some 17,000 individual facilities may ultimately be subject to these rules. Implementation will thus require a continuing effort through FY 1988 and the years beyond. FY 1988 is a transition year wherein NESHAPS implementation will move from "initiation" stages to an ongoing program. This program will emphasize assistance to the Regions and training of Regional and State personnel, as well as provision of needed regulatory data bases and other elements essential to ensuring effective and continuing implementation.

NESHAPS implementation will involve reviewing requests for: (1) approval to construct new or modified facilities, (2) waivers of emission testing, and (3) delegation to the States. (Uranium mills will not involve waivers, but instead reviews of requests for extensions and exemptions.) During the initial stage of NESHAPS implementation, the work load will be shared by ORP and the Regions. The relative distribution of responsibilities will be based on: (1) the type and complexity of the facilities involved, and (2) the technical/staff resources and workload of the Regions. During this stage, ORP Headquarters will take the lead on most DOE facilities; the Regions on facilities such as elemental phosphorus plants. Ultimately, however, much of the burden of implementation will be shifted to the Regions and the States--with ORP overseeing the process and providing the guidance and assistance where necessary.

The NESHAPS for DOE and other Federal facilities, as well for NRC licensees, can be implemented in full only when all reserved parts of the rule are completed. The reserved parts include DOE and NRC recordkeeping, exemption criteria, screening models, and sampling/analytical criteria. In addition, for any of the five NESHAPS to be implemented, a series of guidance documents must be developed. These include guidance for the EPA Regions and State governments. Although the amount of effort involved in completing all of these items is considerable, work in both key areas is underway and major portions will be concluded in FY 1988.

Implementation of the radiofrequency guidance will be initiated in FY 1988. This will involve a cooperative effort with the FCC, NTIA, Department of Defense (DOD) and numerous other Federal agencies who regulate or operate radiofrequency equipment and facilities. EPA guidance will be incorporated into the procedures of these agencies and ORP has received indications from many of them that they will need EPA implementation assistance. Subsequent interpretation of the guidance and its application in specific cases is also expected. EPA has no enforcement responsibility, but overview of compliance will be conducted as necessary.

Continued implementation support of an advisory and overview nature will be provided to various Federal agencies responsible for implementing other EPA radiation guidance promulgated prior to FY 1988. Some examples are: Guidance on Occupational Exposure (applicable to 1.3 million workers) and on Diagnostic X-Rays (for medical purposes).

### 3. Monitoring

Many of EPA's radiation standards and guidance are implemented by other agencies, who are responsible for any monitoring, site inspections, or other compliance related actions. For the radionuclide NESHAPs, however, ORP will review the need for any initial test or permanent on-site monitoring to support compliance efforts.

### 4. Program Evaluation

For standards and guidance promulgated pursuant to the Atomic Energy Act, ORP will monitor the performance of other Federal and State agencies responsible for their implementation. By use of such means, ORP is able to identify problems with implementation of specific regulations that need resolution and to identify areas in which future EPA standards or guidance may need to be developed. ORP will continue to foster resolution of problems through meetings, workgroups, negotiations, and other cooperative interagency efforts. Also, to the greatest extent possible, ORP will continue to involve the Regions in workgroups and in efforts to identify problems with nuclear facilities.

One possibility for regulatory development in FY 1988 is an amendment to 40 CFR 191 for high-level waste providing an alternative standard for the disposal of radioactive wastes at DOE's Hanford facility. ORP has reviewed DOE's draft environmental impact statement (EIS) on Hanford and anticipates a formal request for such a standard. ORP will follow developments regarding this matter and take appropriate action should a request be received.

### Key FY 1988 Headquarters Actions

- (1) Meet approved schedule on development of low-level waste standard (towards early FY 1989 promulgation). (ORP)
- (2) Complete assistance on OW ocean disposal regulation, including series of criteria/technical support documents. (ORP)
- ° (3) Meet approved schedule on development of residual radioactivity generic guidance and categorical standards. (ORP)
- (4) Issue groundwater standard under UMTRCA. (ORP)

- ° (5) Complete "reserved" sections of airborne radionuclide NESHAPs for DOE facilities and NRC licensees. (ORP)
- ° (6) Complete guidance documents and initiate implementation of all NESHAPs for radionuclides. (ORP)
- (7) Promulgate radiofrequency guidance. (ORP)
- (8) Meet approved schedule on development of Protective Action Guides. (ORP)

#### Key FY 1988 Regional and State Actions

- ° (1) Work with Headquarters in initiating the implementation of NESHAPs for radionuclides. (Regions)
- (2) Participate in tracking the compliance of facilities and the processing of industry requests under NESHAPs. (Regions and States)
- (3) Continue to review EISs for radiation facilities, such as uranium mines and mills and waste disposal facilities. (Regions)
- ° (4) Provide information to the media and to the public explaining radiation issues and Agency actions. (Regions)

#### C. Surveillance and Emergency Response

##### 1. Federal Responsibilities

The Agency conducts radiological surveillance to maintain a capability to inform State and local governments and the general public of any radiation release to the environment it believes is a potential health hazard. Such releases can come from accidents at nuclear facilities or from nuclear testing, whether they be domestic or foreign. Such releases can also come from natural sources or as inadvertent by-products of non-nuclear commercial activities.

The Federal government has the responsibility to develop and maintain the comprehensive emergency response framework and capability through which appropriate actions can be taken at the Federal, State, and local level to meet emergency situations. The technical expertise and management overview capabilities of the Federal Emergency Management Agency (FEMA), EPA, DOE, NRC and other agencies are required to provide the technically sound and coordinated approach necessary in such situations.

Under the Superfund Amendments and Reauthorization Act (SARA), the Agency has responsibility for material removal and other remedial actions required at sites contaminated with radio-nuclides. ORP and the Regions provide extensive support to the Office of Solid Waste and Emergency Response for Agency responses at these sites. This includes review of contractor prepared work plans, remedial investigations/feasibility studies (RI/FSS), and other documents; analytical support; and technical assistance in the field. Regional and ORP Headquarters involvement varies according to need on a site-by-site basis.

## 2. Planning and State Support

The primary goals regarding the Agency's radiological emergency response capability are: (1) to maintain all personnel and equipment in a state of readiness, and (2) to upgrade the system where necessary to improve its performance. With the Agency's Emergency Response Plan now revised and made consistent with the Federal Response Plan (completed in FY 1986), active tests of the EPA plan and emergency capabilities will continue in FY 1988. Also, emergency response teams at ORP field facilities in Montgomery, Alabama and Las Vegas, Nevada will be tested periodically by participation in exercises conducted by FEMA. The Agency receives some 35 notifications annually of incidents at nuclear facilities requiring varying levels of response.

Through EPA's Regional Radiation Representatives, a continuing area of focus will be maintenance of emergency preparedness capability for nuclear facilities. Included in FY 1988 are participation in Regional Assistance Committees; testing and critique of 20 to 30 emergency response plans; and review of updated State, local, and site-specific emergency response plans, as required. In addition, the Regions will continue to distribute information to State and local governments and to the public in their area in the event of a nuclear incident or other potential radiological health hazards.

## 3. Monitoring

EPA's Environmental Radiation Ambient Monitoring System (ERAMS) is the only national multi-media surveillance system providing timely measurements of ambient radiation levels in air, drinking water, surface water, and milk. Its 268 sampling locations are found in every State. They are generally operated by State and local personnel and in accordance with EPA procedures. ERAMS operations will continue in FY 1988 during which an average of 2,150 environmental samples will be collected and analyzed each quarter.

In FY 1988 ORP will emphasize improving the responsiveness of ERAMS through assessment and, where necessary, refinement of its design and procedures. Also, ORP will change its overall approach to maintaining ERAMS. Beginning in FY 1988, ORP will service,

replace, or upgrade some 20 percent of the field equipment each year. This approach is needed to assure the continued readiness of the system by providing the benefits of routine maintenance and phased replacement.

Key FY 1988 Headquarters Actions

- ° (1) Maintain and upgrade the Agency's comprehensive emergency response capability. (ORP)
- (2) Provide timely and appropriate responses to notifications of radiological emergencies. (ORP)
- ° (3) Maintain and upgrade ERAMS equipment design and procedures. (ORP)
- (4) Phase out the Three Mile Island field office. (ORP)
- (5) Provide technical support for Agency actions at contaminated sites under SARA. (ORP)

Key FY 1988 Regional and State Actions

- ° (1) Participate in and support ERAMS. (Regions and States)
- (2) Test and upgrade emergency response plans. (States)
- (3) Review and critique emergency response plans. (Regions)
- (4) Participate in, and critique, emergency response plan exercises. (Regions)
- (5) Provide technical guidance and information to the States and the public. (Regions)
- (6) Provide technical radiation support for site investigations under SARA. (Regions)

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[This section will be published in April.]

## FY 1988 OFFICE OF WATER AGENCY OPERATING GUIDANCE

### I. EXECUTIVE SUMMARY

The Office of Water portion of the FY 1988 Operating Guidance provides national direction to EPA, States and the regulated community in carrying out programs mandated under Federal water protection statutes. These statutes include: the Safe Drinking Water Act (SDWA), the Clean Water Act (CWA) and the Marine Protection, Research and Sanctuaries Act (MPRSA). The Agency and the States also implement programs to protect ground-water quality through authorizations under several different statutes.

The Office of Water (OW) uses a management accountability system to set priorities, define performance expectations, and track and assess Regional and State performance. The Office of Water Accountability System (OWAS) includes the OW portion of the Guidance, the accompanying SPMS measures, the OW program evaluation guide with quantitative and qualitative measures, and the OW midyear Regional evaluations. In addition, the Regions will provide the OW Assistant Administrator with their projected operating strategy and plan for FY 1988, including an overview of Regional and State priorities and their relationship to national priorities, before FY 1988 commitments are made to set the context for negotiation of those commitments. The Regions will present their plans at the time of the senior management review for the FY 1987 midyear evaluation.

Part I of this Guidance outlines the major program priorities for water programs in FY 1988 and the water program policy for Regional negotiation of FY 1988 grant assistance to the States. Parts II and III contain specific program guidance and priority activities for the Drinking Water and Ground-Water Protection programs. Part IV, the guidance for the Surface Water and Wetland Protection programs, will be issued in April to provide directions for implementing the Clean Water Act Amendments.

Activities that support Agency priorities are marked in the left hand margin by an asterisk (\*); those activities supporting OW priorities are marked by a bullet (°). Additionally, activities with associated SPMS measures are denoted by [SPMS] appearing at the end of the activity.

In line with the Agency format, activities modified from the FY 1987 Operating Guidance are indicated by a dash (-) in the right hand margin. New activities are indicated by a plus sign (+).

#### A. Priorities for FY 1988

In FY 1988 and beyond, the Water program will focus on seven major program priorities, consistent with the Agency's FY 1988 Priority List and the Administrator's Management Priorities. The priorities continue trends and developments of the water

programs from FY 1987 and previous years and reinforce the directions legislated by the Safe Drinking Water Act Amendments of 1986 and the Clean Water Act Amendments of 1987.

#### Control Drinking Water Contaminants

The Safe Drinking Water Act Amendments provide EPA with new enforcement authorities and responsibilities and require an accelerated standard-setting process. One of our highest priorities is to protect the public from contaminated drinking water, and our efforts in FY 1988 will focus on stronger enforcement of existing drinking water standards, development of new standards for statutorily-mandated contaminants, and monitoring for unregulated contaminants to determine the need for additional standards.

#### Protect Ground-Water Resources

The Water Program will continue in FY 1988 to undertake a comprehensive approach to ground-water management in collaboration with the States. The Safe Drinking Water Act Amendments provide EPA and the States with additional authorities and programs to ensure protection of ground water. In FY 1988, the Ground-Water Classification Guidelines will be implemented as official Agency policy and will provide a benchmark for all EPA programs involved in ground-water protection and clean-up activities. Additionally, EPA and the States will be implementing the wellhead protection program. EPA will also use its new authorities to provide strong enforcement of UIC requirements and to develop the Class V well injection control program.

#### Protect Wetlands

We will focus in FY 1988 on aggressively implementing the Wetlands Protection Strategy. This will include maintaining the current central Section 404 program activities; increasing emphasis on advance identifications in priority wetland areas; enhancing State roles in wetlands through State capacity building, including using Section 401 certification; improving consistency across Federal agencies on wetlands policy; and building the information base for decisions on wetlands in the future.

#### Restore the Integrity of Near Coastal Waters

Consistent with the Near Coastal Waters Strategic plan, we will focus in FY 1988 on implementing an integrated approach to control toxics and nonpoint source pollution in near coastal waters. This could include (1) use of selected comprehensive estuarine management studies to apply the lessons of the Chesapeake Bay and Great Lakes through local management and plan implementation systems and (2) integrated approaches to control toxics, including setting and enforcing more stringent control limits in NPDES permits on a basin-wide basis and developing non-point source controls.

Control the release of toxic discharges and hazardous wastes to surface waters

A high priority for surface water programs in FY 1988 is to protect human health and the environment by controlling toxicity in all waters where designated uses are not being attained due to the presence of toxic discharges from either point or nonpoint sources. Water program efforts in FY 1988 will focus on working with the States in conducting comprehensive integrated assessments of State toxic control programs for surface waters covering standards, control priorities, permitting, binding legal authorities, and monitoring, and, as part of these assessments, developing State-specific action plans. Other surface water toxic control efforts will include issuance and enforcement of third-round water quality-based permits with whole effluent toxicity controls as needed and improvement of coverage, effectiveness, and enforcement of local pretreatment program requirements.

Reduce discharges of inadequately treated wastes from municipal wastewater treatment facilities

FY 1988 is the year of the July, 1988 deadline for municipal compliance. The Water Program will aggressively enforce compliance with the statutory deadline under the National Municipal Policy, taking judicial enforcement actions against major POTWs where necessary and seeing them through to completion.

Prevent uncontrolled discharges of pollution to surface waters

Water program managers must be aware of and deal with unpermitted discharges of pollution to surface waters to ensure that our pollution control efforts are successful. EPA will encourage State development of nonpoint source control programs where needed and work with other Federal programs to ensure that they comply with State NPS control efforts. Water program managers must use their NPDES and Section 404 authorities to deal with unpermitted discharges in wetlands to ensure protection of these valuable resources. EPA and States also must be prepared to deal with and track down pollution spills and other unpermitted discharges.

B. Water Program Performance-Based Assistance Policy

The EPA Policy on Performance-Based Assistance explicitly links EPA assistance to effective State performance. Performance-based assistance programs are built on commitments jointly negotiated prior to grant award. Work programs must provide for early warning of missed commitments and a mechanism to respond to them. The overall approach is to use the assistance process to provide a context for agreeing jointly on how and to what extent Agency and State Priorities will be met. The water program performance-based assistance policy applies to all State and local assistance programs under the Clean Water Act, Safe Drinking Water

Act, and related appropriations. Funding priorities should be based on the Agency priority list, the individual program priority activities detailed in the following text, and achievement of State SPMS and OWAS commitments. All water program assistance agreements in FY 1988 are to be consistent with the policy outlined in this section.

#### Negotiation of Work Programs

Regions and States are to tailor their work programs to the priority activities listed in the following sections of this guidance, recognizing the individual Region/State circumstances and priorities and the level of program assistance. Regional Offices may issue written guidance tailored for each State to incorporate national, Regional, and State priority activities into the work program negotiation process. Work programs must contain realistic commitments for every national SPMS measure. It is critical that the work program clearly identify both the performance expectations and the plan for EPA's evaluation of State performance. The States should be encouraged to provide a comprehensive work program that includes activities outside those paid for under the assistance agreement.

#### Oversight of Program Performance

Oversight will be designed to give an early indication of State progress and problems in meeting the work program commitments. Regional Offices must monitor and evaluate program performance both informally and formally, maintaining continuous dialogue with the States to give early warning of emerging issues. Regions must conduct a minimum of one on-site mid-year evaluation, culminating in a report of findings and follow-up activities. Regional reports should include comments from the State on the report's findings. A copy of the mid-year evaluation for each State is to be available for Headquarters review upon request.

#### Actions to Reward Accomplishments and Correct Problems

Follow-up actions to evaluate findings are meant to find the most effective way to maintain and improve program performance. Regional Offices should encourage good performance by publicizing accomplishments and reducing the extent, level, and scope of oversight. Where appropriate, financial incentives should be provided. Likewise, where performance problems exist, the Regional Office is to initiate a series of escalating actions to resolve the problem in a quick and fair manner. Where performance problems persist, actions should include the use of the grant mechanism as outlined in 40 CFR Part 30 and Subpart A of 35. Corrective measures are to be based on the severity and persistence of the performance problem, in line with the performance expectations laid out in the original work program.

## II. DRINKING WATER GUIDANCE

The Safe Drinking Water Act was amended on June 19, 1986, resulting in major changes to program implementation for both the Public Water System Supervision (PWSS) and the Underground Injection Control (UIC) programs. The 1986 amendments significantly increased the number of drinking water standards to be promulgated in the next three years, gave EPA new administrative enforcement authorities, and increased the scope of the existing public notification requirements. The FY'88 program activities reflect the new initiatives and direction established in the 1986 amendments.

### A. PUBLIC WATER SYSTEM SUPERVISION PROGRAM

The goal for the PWSS program continues to be the elimination of all violations of the National Primary Drinking Water Regulations. The first priority for FY'88 is to eliminate all significant noncompliers of these regulations. Every community water system which is in significant non compliance (SNC) will be targeted for EPA and/or State compliance efforts. For FY '88 these efforts will include the exercise of the new administrative enforcement authorities granted to EPA under the 1986 amendments to the Safe Drinking Water Act.

#### Compliance/Enforcement Activities

- \* Regions and States will continue to emphasize elimination of violations of the NPDWRs. Regions and States should use the full range of available tools, and escalate actions as needed, to achieve compliance -- training, plan review, sanitary surveys, technical assistance, site inspections, enforcement, etc. States and Regions should take into consideration degrees of contamination, populations at risk, acuteness of risk, etc., in employing those compliance tools and apply them strategically to obtain the maximum value for each action, and to establish a strong enforcement presence. (-)
- \* Regions and States should emphasize the exercise of their administrative, civil, judicial and criminal enforcement authorities, and take appropriate follow-through on enforcement actions to bring water supplies into compliance. (-)
  - Regions and States should ensure that all SNCs are either returned to compliance or are addressed in a timely and appropriate fashion. The primacy agent's goal should be that 100% of the SNCs are returned to compliance or are appropriately addressed (according to guidance and State/EPA enforcement agreements) within the prescribed time frame. [SPMS]

- Those Regions and States with few SNCs should focus on those non-SNC violators which are considered to deserve the most attention. EPA's Compliance Strategy should be used in identifying those systems or groups of systems.
- Regions and States should ensure that all noncomplying systems are at risk of an enforcement action. Although first priority should be on SNCs, noncomplying systems which do not meet the SNC definition should not be ignored. These systems should understand that they are in violation and are subject to enforcement actions. States and Regions should agree to enforcement actions against some number of non-SNCs.
- Regions and States will, at a minimum, conduct quarterly compliance meetings to discuss and verify progress made in compliance and enforcement activities, particularly against SNCs. Any SNC that a State has not addressed in a timely and appropriate fashion shall receive immediate follow-up action by the Region.
- \* Regions and States are to negotiate targets for the percent change in micro/turbidity/TTHM SNCs during the year. The goal for the national average is a 10% overall decrease in the number of microbiological MCL or monitoring, turbidity MCL or monitoring, or TTHM monitoring SNCs over any 12 month period. Individual States and Regions should negotiate State targets based upon that State's current compliance status and capabilities in improving compliance. [SPMS] (-)
- ° Regions and States are to ensure that compliance of Federal facilities is an integral part of their compliance and enforcement programs; the A-106 process should be followed in all situations. To enable EPA to identify Federal facility compliance automatically, States and Regions should ensure that Federal facilities are correctly coded in FRDS. (-)
- ° Regions and States are to ensure that their approach to noncompliance resolution is consistent with ODW's revised compliance strategy. (-)
- ° Regions and ODW shall continue the existing special compliance initiatives (e.g. the Oceanic Islands, the Caribbean, and the Alaskan Remote Villages Initiatives), and should begin such new initiatives as warranted. (-)

#### Data Management

- \* States are to report accurate violation and enforcement data (in acceptable format for FRDS input) to Regions within 60 days after the end of each quarter. Regions are to ensure that data are submitted for inclusion in FRDS and available for extraction within 90 days after the end of each quarter. (-)

- \* Regions will continue to conduct data verifications of State violation reports. Regions will follow up on those States for which previous audits revealed reporting inconsistencies to ensure that the recommendations made are being implemented and that there have been improvements in the quality of the reporting. (-)
- ° Regions will report information on Federal administrative enforcement actions to HQs via a national tracking system to be established in FY'87. (+)

#### Program Development

- \* States will begin to incorporate in their laws and regulations the first phase of the revised National Primary Drinking Water Regulations for VOCs and monitoring rule for unregulated contaminants, in the fourth quarter FY'87. This will be completed by December 19, 1988. (-)
- \* In the second quarter of FY'88, States will begin to incorporate in their laws and regulations requirements for filtration and disinfection of surface water supplies, and MCLs for microbiological contaminants. This will be completed by June 30, 1989. (+)
- \* HQs will promulgate MCLs for synthetic organic and inorganic chemicals in the third quarter FY'88. (+)
- \* HQs will promulgate MCLs for radionuclides in the second quarter FY'88. (+)
- ° States will begin to incorporate in their laws and regulations the 41 new MCLs or treatment requirements as specified in the Safe Drinking Water Act Amendments of 1986, in the fourth quarter FY'88. This will be completed by December 19, 1989. (+)
- ° HQs will modify 40 CFR 142 to incorporate all of the new implementation requirements created by the SDWA Amendments, and to specify State reporting requirements, by the fourth quarter FY'88. (+)
- ° Regions (Program offices and Regional Counsel) will provide assistance to States, as needed, in preparing for and in modifying State statutes and regulations as required by the SDWA Amendments and Federal regulatory changes. Regions will conduct reviews of proposed and actual State modifications as needed. (+)

#### Other

- \* States will ban, by June 19, 1988, the use of lead materials (State/local level) and develop adequate enforcement programs to ensure adherence to the lead ban requirements. (+)

- \* Regions and States will expand their oversight requirements for non-transient, non-community water systems as EPA phases in additional monitoring and MCL requirements for these systems over the next few years. Headquarters will provide guidance during the 1st quarter FY 1988. (+)
- \* States and Regions will provide technical assistance and information on public health risks associated with radon. (+)
- ° Regions will conduct special reviews of selected State PWSS programs where there is concern about a State's ability, or effort, in implementing the primacy program. (-)
- ° Regions will continue to coordinate sampling and information dissemination on the Pesticides Survey. (+)
- ° HQ will publish regulations and guidance regarding primary enforcement responsibility for Indian Tribes. Regions will act quickly on tribal applications for development grants. (+)
- ° ORD will provide human health assessments to support ODW's need for quantitative risk assessments of drinking water contaminants, will analyze public comments on eight drinking water health assessment/criteria documents, and will finalize documentation for 30 health advisories initiated in FY '86. (+)

#### B. Underground Injection Control Program

The major goal of the Underground Injection Control (UIC) program in FY 1988 will be to assure the effective implementation of direct implementation and primacy programs. Objectives for FY 1988 are to assure that: (1) programs conform to applicable regulations and program descriptions; (2) reporting is accurate and used for management purposes; and (3) EPA and primacy States take timely and appropriate action to resolve instances of significant non-compliance. A major Headquarters activity will be to develop appropriate restrictions of the injection of hazardous waste. The priority activities this year are listed below.

##### Compliance and Enforcement:

- \* Regions and States will maintain a strong field presence by conducting field inspections and surveillance, in accordance with priority established in the UIC Compliance Strategy. [SPMS]
- \* Regions and HQ will continue support for enforcement cases begun in FY 1987 and prior years. [SPMS]
- \* All suspected Class IV wells will be investigated promptly and all necessary steps taken to ensure proper plugging and abandonment of Class IV wells. (+)

- \* Regions and States should respond to all violations, and must escalate actions consistent with national guidance on timely and appropriate enforcement actions for all Significant Noncompliers (SNCs). [SPMS] (+)
- ° Regions will oversee State primacy programs, conduct intensive reviews in selected States, negotiate enforcement agreements, and take enforcement action where the State has not or cannot respond to significant violations in a timely and appropriate manner.
- \* Regions and States will ensure compliance with all formal enforcement actions (including coordinated use of both civil and criminal enforcement authorities) through tracking and prompt follow-up when deadlines are missed. [SPMS]
- \* Regions will continue to report information on Federal administrative enforcement actions to Headquarters pursuant to the national tracking system established in FY 1987. [SPMS]
- ° The Regions and States will inspect Federal Facilities as part of their inspection plans, and will pursue compliance at Federal Facilities according to the Federal Facilities Compliance Strategy. The Regions should coordinate with the States on review of the A-106 plans. (+)
- \* Regions and States will ensure that all injection wells have mechanical integrity and bring violators to compliance in a timely manner. [SPMS] (+)

Permitting:

- \* Regions and States are to continue to review and make permit determinations for new and existing injection wells based on the following priority order, in accordance with UIC regulations. Regions and States will use their discretion to set a higher priority for injection well operations which threaten to contaminate groundwater. [SPMS] (-)
  - a. new Class II wells.
  - b. existing Class II salt water disposal wells.
  - c. Class I and III wells.
  - d. Class V wells which may endanger USDWs.

Class II:

- ° Regions and States will continue to monitor and review mechanical integrity of injection wells authorized by Rule to determine compliance with the UIC regulations.

- ° Headquarters will conduct a series of activities to determine whether the current regulations are adequate to protect underground sources of drinking water (USDWs).
- \* Regions and States will work vigorously to complete the five-year cycle on mechanical integrity tests. [SPMS] (+)
- ° Regions and States will work vigorously to complete the five-year cycle on file reviews. (-)
- ° For States which have completed their first five-year cycle of permit reviews, the Regions will individually determine the program necessary to demonstrate a continuing effective compliance evaluation program based on guidance to be issued in FY 1987. (+)
- ° Regions and HQ will review alternative methods for demonstrating mechanical integrity of wells for which no current method is yet acceptable.

Hazardous Waste:

- \* Regions will coordinate with States and Federal RCRA programs to implement the corrective action requirements of the 1984 Hazardous and Solid Waste Amendments for (HSWA) Class I hazardous waste wells. [SPMS] (+)
- \* Headquarters and Regions will implement the UIC waste restriction determinations promulgated under the UIC regulatory to implement the requirements in the 1984 HSWA amendments for Class I hazardous waste wells. (+)

Class V:

- ° Headquarters will begin the implementation of recommendations from the Class V Report submitted in FY 1987. (+)

Other:

- ° ORD will continue field evaluation of techniques for determining the mechanical integrity and adequacy of construction of injection wells. Work to develop technological alternatives for regulating Class V wells will begin at the request of ODW. (+)
- ° Regions will develop and oversee Indian land programs consistent with the Indian direct implementation program regulations promulgated in July 1987. (+)

## GROUND-WATER PROTECTION GUIDANCE

In 1984, EPA issued a Ground-Water Protection Strategy which provides a framework for coordinating the Agency's programs related to ground-water resources. This national focus has been expanded and strengthened by the enactment of a new assistance program, authorized in the Safe Drinking Water Act Amendments of 1986, which is targeted directly to ground-water resources. The Well-head Protection Program has the principal purpose of protecting wells which supply public water systems. This program has been designed to both complement and be integrated with the States' ground-water protection strategies support by Section 106 grants.

### A. Ground-Water Direct Assistance Programs:

#### Wellhead Protection (WHP) Program

This program provides grants to support State activities to protect wellhead areas of all public water supplies within each State's jurisdiction from contaminants that may have adverse effects on public health.

- \* States which participate in this program will develop programs for controlling sources of well contamination. (Ongoing) (+)
- \* HQ will assist the Regions in developing and conducting orientation sessions for State personnel on the WHP program and will provide oversight, including program and grant policy, for this program. (Ongoing) (+)
- \* Regions will provide all necessary consultation and technical assistance to the States in the development of their programs. (Ongoing) (+)
- \* Regions will review States approaches in delineating wellhead areas, including hydrogeological assessments. (Ongoing) (+)
- \* Regions will approve WHP applications with HQ concurrence on first year applications for quality control and policy resolution. (Ongoing) [SPMS] (+)
- \* Regions will negotiate an annual work plan with the States/ Indian Tribes for their wellhead protection projects. (+)
- \* HQ and Regions will ensure that Indian Tribes are accorded the same treatment as States, as required by EPA rule. (Ongoing) (+)
- \* HQ and Regions will interface with all Federal agencies to ensure compliance with State approved programs. (Ongoing) (+)

- \* ORD will assist HQ in developing technical resource documents and other information to aid States in protecting public water from contaminants which may enter wellhead areas. (+)  
(Ongoing)

#### Sole Source Aquifer (SSA) Designation

In FY 1988, EPA will continue to focus on the designation of sole source aquifers.

- \* Regions will offer technical assistance and other support measures needed by prospective petitioners in interpreting EPA's petition requirements. (+)  
(Ongoing)
- \* Regions will receive the petitions for SSA designation, formally accept completed petitions, provide the technical expertise necessary to review these petitions, and review environmental impact statements (EIS) of facilities within SSA designated areas. (+)  
(Ongoing) [SPMS]
- \* Regions will carry out the requirement for public comments on the petitions, including all public hearings. (+)  
(Ongoing)
- \* Regions will act upon or send to HQ recommendations on designation generally within six months of petition acceptance. (+)  
(Ongoing)
- \* HQ will review Regions' actions on petitions involving more than one Region. (+)  
(Ongoing)
- \* Regions will publish final determination in the Federal Register. (+)  
(Ongoing)

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\*\*\*\* ADDITIONAL GUIDANCE BASED ON CWA AMENDMENTS PERTAINING TO \*\*\*\*  
NON-POINT SOURCE/GROUND-WATER WILL BE FORTHCOMING

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#### B. Ground-Water Protection Strategy

The Ground-Water Protection Strategy centers around four main areas of activity.

##### 1. State Ground-Water Protection Activities - Priority Activities

Collaboration between the Federal and State governments is a principal feature of the Ground-Water Protection Strategy. States have the responsibility for the protection of ground-water resource. All states are expected to have developed/adopted a state-wide ground-water protection strategy by the end of FY 1987.

- \* States will develop program and/or processes to implement their strategies. (+)  
(Ongoing)

- \* Regions will manage 106 grants to States, provide assistance to States in the development of programs for their ground water protection strategies, and conduct seminars for the exchange of information on how States are solving specific problems. (Ongoing) (-)

## 2. Sources of Ground-Water Contamination - Priority Activities

The Strategy calls for efforts to determine the extent of problems caused by ground-water contamination sources not covered by Federal statutes and to provide assistance to States on appropriate responses.

- \* HQ will implement a ground-water monitoring strategy to provide a framework for crosscutting ground-water monitoring issues and for common data sharing systems. (Ongoing) (+)
- \* Regions and HQ will develop Technical Information Publications (TIPs) on sources of ground-water contamination not covered by Federal regulations, such as agricultural chemicals. (Ongoing) (-)

## 3. Guidelines for Ground-Water Protection - Priority Activities

In FY 1987, EPA issued guidelines based on a three-tiered classification system taking into account the value and relative vulnerability of the resource.

- \* Regions will fully implement the ground-water classification guidelines and assist Regional programs and States in implementing the guidelines. (Ongoing) (-)
- \* Regions and HQ will work with States that have ground-water classification systems or other ground-water protection systems to help achieve the equivalence of the State systems to EPA's so that the State system can be applied To EPA programs in lieu of EPA's approach. (Ongoing) (-)

## 4. EPA Ground-Water Focus and Coordination - Priority Activities

EPA established ground-water offices in Headquarters and the Regions. Using the strategy and other mechanisms EPA will assure coordination among ground-water programs.

- \* HQ with Regional input will continue to develop and implement indicators which measure the effectiveness of Agency efforts in protecting the nation's ground water. (Ongoing) (+)
- \* Regions will provide assistance to both RCRA and Superfund staffs in reviewing and establishing appropriate ground water monitoring plans for specific permits or sites. (Ongoing) (-)

- ° HQ will continue to work with other EPA offices to incorporate (-) the guidelines into EPA regulations and policy statements in order to improve the consistency in treatment of ground-water across EPA programs. (Ongoing)
- \* HQ will expand its efforts with other Federal agencies, e.g., (+) the USDA, on issues of common concern, such as pesticides and fertilizers in ground water. (Ongoing)

## FY 1988 OSWER Operating Year Guidance

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## OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

### I. EXECUTIVE SUMMARY

The Office of Solid Waste and Emergency Response (OSWER) Operating Year Guidance for FY 1988 outlines the goals, objectives and program priorities for implementation of the hazardous waste programs. The guidance delineates those key activities associated with the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986. It is worth noting that the CERCLA bill was awaiting passage at the time of publication of the FY 1987 Operating Year Guidance; therefore, the FY 1988 Operating Year Guidance delineates the requirements of the new law in substantial detail.

One of the Agency's priority activities, as identified in the FY 1988 Agency Priority List, is the prevention of groundwater contamination and reduction of other risks from hazardous waste. This is also a main goal of the Office of Solid Waste and Emergency Response. While our programs continue to evolve, due to statutory requirements and implementation experience, our major goals remain unchanged. The goals in the OSWER FY 1988 Operating Year Guidance are identical to those in FY 1987: reduce risks to human health and the environment from improper past disposal of hazardous wastes; ensure protection in the future; use resources and expertise effectively; and institutionalize effective management systems and delegate to Regions and States.

The FY 1987 OSWER Operating Year Guidance reflected the philosophy of the new managers of our hazardous waste programs. The FY 1988 submittal builds upon those premises set forth and highlights those activities deemed crucial to effective implementation of programs. Those key objectives can be summarized as follows:

#### ° Meet Congressionally Mandated Deadlines

We now have the authority to implement several laws that stipulate a wide variety of mandatory activities: RCRA, CERCLA and the Emergency Planning and Community Right-to-Know Act (Title III of SARA). In addition to stipulating deadlines, these laws have given us expanded authorities to more effectively prevent, reduce and clean up releases. This is particularly evident as we implement the new Title III requirements, which are geared towards promoting awareness of chemical hazards and development of State and local preparedness programs. However, we have less discretion than in the past to choose among programmatic activities since our actions are driven mainly by statute. The range of mandatory activities varies from promulgation of regulations to issuance of operating permits to schedules for deciding whether to list sites on the

National Priorities List. In order to plan a strategy geared towards fulfillment of these statutory requirements, we must efficiently use all resources and authorities, and delegate whenever feasible.

° Continue to Delegate Responsibilities to Regions, States and Localities and Increase Citizen/Community Involvement

This shift in emphasis is one which has been occurring over time, but has been enhanced by factors such as:

- ° Adherence to statutory requirements, particularly those under the new Superfund that mandate participation in programmatic and enforcement activities by States, citizens and communities
- ° Promulgation of key regulations and guidance that will lead to significant implementation efforts at the State level, such as: the land disposal restrictions, small quantity generators, Subtitle D revised criteria and retrofitting surface impoundments
- ° Development of statutorily-mandated programs that will mainly be implemented/enforced at the State and local level, such as the Underground Storage Tank and Leaking Underground Storage Tank Programs and the Chemical Emergency Preparedness Program. We have placed a high priority on these programs since they reflect our goals of planning and prevention, as well as our aim to correct past problems and prohibit them in the future.
- ° Understand the Fate and Transport of Hazardous Waste and Lay the Foundation for an Integrated Technology Performance/Risk-Based Program in the Future

We will continue our work with the Office of Research and Development and other Headquarters offices in order to improve our understanding of the overall hazardous waste system as it affects all environmental media. This knowledge will be crucial in order to determine optimum, cross-media solutions to environmental problems. This research will also aid us as we evaluate and address issues such as adequate capacity, pursuit of alternate treatment technologies and encouragement of waste minimization. We face a dilemma as we attempt to provide permanent remedies and utilize a risk-based approach, while concurrently seeking to move projects to completion and meet statutory deadlines.

° Ensure Corrective Actions Through Increased Response by Potentially Responsible Parties and Effective Compliance Monitoring and Enforcement

We will aggressively address threats from uncontrolled waste sites by increasing the PRP and State role in clean-up actions. These increased efforts can be attributed, in part, to the

new authorities delineated in the Superfund Amendments and Reauthorization Act of 1986. While the amendments generally codified existing enforcement and settlement practices, they also provided some new tools for promoting PRP settlements. We will attempt to increase PRP response through various mechanisms such as encouraging "DeMinimus" settlements, use of non-binding preliminary allocation of responsibility and mixed funding. We will also continue to actively pursue cost recovery and Section 106 actions.

Similarly, we will utilize our RCRA authorities to address facilities with immediate releases as well as ensure compliance with requirements such as groundwater monitoring and closure/post-closure. We will consistently enforce schedules of compliance and issue orders to compel corrective action. The land disposal restrictions program will also necessitate a strong enforcement presence commencing in FY 1988, with the dioxin and solvent containing waste ban, and continuing through the California List, first third of listed wastes, etc. The Underground Storage Tank enforcement program will be two-fold in FY 1988: Continuing to enforce the interim prohibition and then enforce the new requirements once effective. Clearly, OSWER programs will be placing an increased emphasis on enforcement and compliance monitoring in FY 1988.

° Strive to Utilize OSWER and Agency Authorities Most Effectively In Order to Achieve Environmental Results

The Office of Solid Waste and Emergency Response recognizes the dynamic nature of its programs as well as the need to coordinate within OSWER and between other Agency programs. Within OSWER, we will attempt to utilize our RCRA and CERCLA authorities in ways that are most optimal in given situations. As we strive to effectively manage for environmental results, the best tools should be used to complement each other when appropriate. During FY 1988, as in FY 1987, several issues will be addressed with a cross-OSWER focus, including:

- ° RCRA/CERCLA compliance with the land disposal restrictions program;
- ° RCRA/CERCLA compliance with the CERCLA Off-site Policy;
- ° Use of various corrective action authorities/procedures;
- ° Use of RCRA/CERCLA authorities to address Federal facilities; and
- ° Listing of RCRA sites on the National Priorities List.

Further guidance on such activities can be found in OSWER documents such as the FY 1988 RCRA Implementation Plan and the draft National RCRA Corrective Action Strategy.

Similarly, OSWER will continue to work with other Agency offices in order to develop and implement effective programs. Particular attention will be given to the multi-media focus on groundwater protection. Activities related to the protection of this resource

will consider, where appropriate, the Agency's groundwater protection policy and strategies. We will continue to work with the Office of Water to place emphasis on integrating RCRA permitting, corrective action and enforcement actions with water program activities at POTWs treating hazardous waste. Other cross-media efforts include Title III activities with the Office of Pesticides and Toxic Substances, and air emissions at TSDFs with the Office of Air and Radiation.

Lastly, we will increase emphasis on Federal facilities, ensuring compliance with requirements of SARA and RCRA. We will assist them with prioritization of work through the A-106 process and through issuance of guidances/regulations. Similarly, as resources permit, we will work with Tribal Governments. OSWER will also continue to coordinate with other Federal agencies to address complex environmental issues such as mixed waste and health assessments.

The OSWER FY 1988 Operating Year Guidance outlines the priorities of the Assistant Administrator and also reflects the related Agency Priority List activities. We have divided the guidance into the following sections for ease of reading: Superfund; Chemical Emergency Preparedness; RCRA; and Underground Storage Tanks. At the request of several Regions, we have included a list of key supplemental regulations/guidances at the completion of each section.

## II. SUPERFUND

### 1. Introduction

The basic authority under which the Agency addresses threats from uncontrolled hazardous waste sites is the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). This guidance reflects current program goals. The Superfund Comprehensive Accomplishments Plan (SCAP) will also reflect program goals as it delineates projected Regional activities. Program goals and policies will continue to evolve as the Headquarters/Regional SARA implementation workgroups complete their efforts.

The Superfund Program will continue to pursue five broad objectives in FY 1988, each of which includes several priority activities:

#### A. Stabilize Actual or Potential Threats from Releases of Hazardous Substances

This will encompass response through removal actions, an area in which we have been given increased authority for short-term emergency clean-up actions. In addition, we will implement regulations pertaining to reportable quantities and release notifications, as well as continuing our responses to major oil discharges.

#### B. Ensure that Environmental Threats Posed by Uncontrolled Hazardous Waste Sites are Addressed Quickly and Effectively

The new Superfund amendments will be implemented, and major activities will include: meeting clean-up standards and mandatory schedules; considering treatment and permanent remedies; promulgating contractor indemnification, State participation, citizen and community involvement regulations; and using expanded removal authorities and technical support capabilities. Lastly, we will attempt to continue our emphasis on project management and project completion, which has become more difficult as requirements have increased.

#### C. Maintain a Strong Enforcement Program

Here we will seek to increase PRP response through use of new and existing authorities and procedures. We will continue to seek recovery of costs into the Trust Fund as well as attempting to increase settlements.

#### D. Facilitate Federal Facility Response Actions

The amendments also confirmed that all Federal facility response actions are applicable to CERCLA requirements. In addition, it prescribed specific activities and processes for Federal facilities. This will clearly require increased EPA coordination and oversight.

E. Increase State Participation

The Superfund amendments enhance the State role in all phases of response actions. We will see increased State participation in areas such as selection of remedy and participation in PRP negotiations.

2. Program Priorities

\* A. Stabilize Actual or Potential Threats from Releases of Hazardous Substances

SARA articulates a number of changes for the removal program that will result in broadened authorities and more extensive clean-ups and responses to threats to public health and the environment posed by releases from uncontrolled hazardous waste sites and spills of hazardous substances and oil.

i. Increased Limits

(-)

SARA increases the statutory limits on removal actions to \$2 million and 12 months. SARA also provides for an additional waiver of the statutory limits which allows removal actions to continue beyond \$2 million and 12 months, if the response action is "otherwise appropriate and consistent with the remedial action to be taken." The removal program will use the higher limits and new waiver to:

- 1) Address larger contamination problems at NPL and non-NPL sites where appropriate;
- 2) Design more efficient removal actions, particularly at NPL sites; and
- 3) Facilitate the use of alternative technologies to achieve more permanent solutions.

Regional Administrators will be delegated the authority to approve removal actions costing up to \$2 million. The delegation applies to both NPL and non-NPL sites, except for any non-NPL removal action that involves an issue which is precedent-setting or could expand the current scope of response under CERCLA. These removal actions will require OSWER concurrence. Examples include: certain sites involving bays or estuaries; mining sites; dioxin contamination; radon in homes; pesticides in groundwater; and hazardous substances in building materials.

OSWER approval is required if removal actions continue beyond the \$2 million statutory limit and if the \$2 million limit is exceeded due to a finding of continued emergency. Legal determinations of the three statutory emergency criteria must be approved in EPA Headquarters for both NPL and non-NPL sites. Statutory exemptions for removal actions to continue beyond the \$2 million limit at NPL or proposed NPL sites may be delegated to the Regions on a site-by-site basis. Only the first operable unit at the NPL or proposed NPL site is considered for continued removal

action under this new exemption criterion.

ii. Removal/Remedial Program Consistency

(-)

As in the past, the removal program will strive to ensure that removal actions are consistent with future remedial actions at those sites where additional clean-up measures are required. SARA formalizes this practice by stating that removal actions must "contribute to the efficient performance of any long-term remedial action" to the extent practicable.

In an important new initiative, the Agency will be conducting "Expedited Response Actions" (ERAs) at selected clean-up sites to encourage efficient coordination of removal and remedial resources. Under this concept, the program may conduct short-term response work under removal authority using services available through remedial contractors, the U.S. Army Corps of Engineers, or other contract support. This arrangement may result in savings of both time and cost at sites where prompt action is essential, the appropriate remedy is clear and obvious, and clean-up is expected to lead to deletion or a determination that no further action is needed. Guidance on the conduct of ERAs will be issued during FY 1987.

The removal program will continue to work on implementation of the compliance policy, which requires removal actions to attain or exceed applicable or relevant and appropriate Federal public health and environmental requirements to the greatest extent practicable considering the exigencies of the situation. Other Federal guidelines and State standards will also be considered where appropriate.

iii. Alternatives to Land Disposal

(-)

The removal program will focus on the use of alternatives to land disposal through adherence to the CERCLA Off-site Policy and Office of Emergency and Remedial Response (OERR) Alternative Technology Guidance, which strongly encourages a preference for alternative technologies over land disposal. The removal program will also comply with the land disposal restrictions program. The transition to alternative treatment and disposal technologies will parallel the framework of the RCRA amendments, which call for an evaluation of alternatives to land disposal.

The Regions, in conjunction with other Agency programs, will perform an analysis of disposal options which includes consideration of the following factors:

- 1) The time-critical nature of the response;
- 2) The degree to which the options attain or exceed applicable or relevant and appropriate Federal public health and environmental requirements;
- 3) Engineering reliability/feasibility;

- 4) Cost;
- 5) Administrative/managerial feasibility; and
- 6) Environmental impacts.

Funding for the demonstration of alternative technologies may be provided under CERCLA 104(b) authorities, which allow the Agency to undertake "such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations" as it deems necessary to plan and direct response actions. Costs associated with the use of 104(b) authority do not count against the statutory limit and may be incurred by either the removal or remedial program.

iv. State-lead Removals

(-)

We will address the implementation of State-lead, non-time-critical removals at NPL sites through Multi-site Cooperative Agreements. By this mechanism, States may participate in the removal program and receive funding for actions that EPA would have otherwise undertaken. This would enable States to assist in stabilizing NPL sites prior to the initiation of remedial action.

v. Contracting Strategy

(+)

In order to accomplish the expanded removal goals established by SARA, a diversified contracting strategy will be implemented. The four zone Emergency Response Clean-up Services (ERCS) will be separated into seven zones to provide quick turnaround emergency response support in a nationwide network of contractors. In addition, up to nineteen Region-specific contracts will be procured to provide services where a longer response time is allowed. Further, several site-specific contracts will be procured in instances where the immediate threat can be stabilized for an amount of time sufficient to pursue a competitive contract (nine months).

The program anticipates that this diversified approach will enhance competition and could lead to as many as 37 contracts supporting the removal cleanup effort. These cleanup contracts will support Superfund removal cleanups and a minimal cleanup program for leaking underground storage tanks as provided for in the new RCRA Subtitle I LUST Trust Fund.

In addition, two technical assistance contracts will provide support nationwide to the removal clean-up effort. These Technical Assistance Team contracts will assist EPA removal program field personnel in: investigatory activities; oversight of clean-up contractors; oversight of responsible party removal clean-up efforts; cost tracking; training of State and local responders; oil spill prevention inspections; engineering and design support; and any other areas needing special analytical or technical expertise.

vi. Administrative Orders for Immediate Removals

Removals for the purpose of site stabilization or for response to emergencies may be fund-financed or conducted by responsible parties. The Regions should contact Potentially Responsible Parties (PRPs) and consider whether private party response is appropriate, in lieu of fund-financed response. The Agency will issue administrative orders in appropriate circumstances before initiating fund action, as long as the site does not pose an unreasonable risk of harm to the public health, welfare or the environment. But in order to issue a Section 106 order, we need to make the determination that the site may pose an imminent and substantial endangerment.

The Regions should consider issuing administrative orders in situations where there is at least one week between the time that the OSC determines that a removal action is warranted and the time that actual on-site response must begin. In the event of non-compliance with an administrative order, the Region should be prepared to quickly initiate a fund-financed response and seek fines or treble damages from the responsible parties. Further detail is provided in the policy entitled, "Issuance of Administrative Orders for Immediate Removal Actions," February 21, 1984.

vii. Emergency Response Notification System

(-)

In FY 1986 and FY 1987, the Office of Solid Waste and Emergency Response has initiated for Headquarters and the Regions PHASE I of a national Emergency Response Notification System (ERNS) for collection of data on releases of oil and hazardous substances. Release notification information is being documented by all EPA Regions on a standardized incident report form containing 87 common data elements. This data is transmitted either electronically or in hard copy form to the National Response Center (NRC) database located at the Transportation Systems Center (TSC) in Cambridge, MA. During FY 1987, all Regions will be provided with an IBM/AT computer, which will enable them to capture incident notification data, transmit the data electronically to the TSC, and generate their own analyses and management reports. Analyses and reporting on a national basis will be done at Headquarters using the entire NRC data base. During FY 1987, OSWER will pursue development of PHASE II of the project where information contained in the initial report will be verified and response data will be included in conjunction with the CERCLIS data system.

viii. Reportable Quantities

(-)

The Office of Solid Waste and Emergency Response will develop final reportable quantities (RQs) for potential carcinogens and radionuclides, and will propose new listings promulgated by the media programs directly affecting the CERCLA section 101(14) hazardous substance list. In addition, the Office of Emergency and Remedial Response will propose RQs for the approximately 250

new extremely hazardous substance listings which are not currently on the CERCLA section 101(14) hazardous substance list. OSWER will also finalize the continuous release reduced reporting regulation as well as the federally permitted release interpretive rule. All RQ adjustments have a statutory deadline for promulgation by April 1988.

SARA adds new civil penalties and increases existing criminal penalties for failure to notify the NRC of releases equal to or in excess of the reportable quantities. Releases equal to or exceeding an RQ which are not properly and promptly reported may be subject to administrative penalties. Criminal penalties will be applied in cases where the failure to report is willful and egregious or results in, or threatens, significant environmental contamination or a hazard to human health.

ix. Temporary Emergency Measures (+)

OSWER will also promulgate regulations under Section 123 of SARA on the reimbursement to local governments of expenses for carrying out temporary emergency measures to prevent/mitigate injury to health or the environment associated with the release or threatened release of a hazardous substance. Reimbursement is to be limited to \$25,000 per response action and is restricted to actions that would not normally or routinely be performed by the local jurisdiction. SARA requires these regulations to be promulgated no later than one year from the date of enactment.

x. Oil Spills (-)

Regions should maintain their present level of on-scene response to major oil spills as defined in the National Contingency Plan. Further, the Regions should continue to provide on-scene oversight of private party clean-ups of major oil spills. Where States or local governments are known to have the capability and commitment to respond to spills, including major discharges, they should be encouraged to the maximum extent possible to provide response. Technical assistance should be provided to the U.S. Coast Guard in coastal oil spills when the Coast Guard specifically requests it or when the RRT is activated.

Spill Prevention Countermeasure and Control (SPCC) activities should be conducted only as resources permit. In some situations, it may be possible to perform SPCC functions in conjunction with spill response activities. Each Region should review and update its strategy for SPCC inspections and plan reviews for the coming year.

\* B. Ensure that Environmental Threats Posed by Uncontrolled Hazardous Waste Sites are Addressed Quickly and Effectively

i. Clean-up Standards (+)

Several efforts are underway to develop implementation guidelines for Section 121, the clean-up standards section of SARA, including

workgroups and guidance development which will address needed changes to Remedial Investigation/Feasibility Studies (RI/FS), Records of Decision and considerations related to soil clean-ups, and compliance with the applicable or relevant and appropriate requirements of other Federal and State environmental statutes. The Section 121 standards apply equally to Fund-financed remedial actions taken under Section 104 and private party response actions taken under Section 106.

ii. Alternative Treatment Technologies

(-)

During FY 1988 the Agency will aggressively implement the results of several efforts directed towards increasing the use of alternative treatment technologies, particularly in removal and remedial activities. These technologies will continue to be used to implement the Hazardous and Solid Waste Amendments directives on reducing land disposal of wastes. Demonstrations of alternative technologies at Superfund sites will be a priority activity. FY 1987 will see the increased availability of alternative treatment technology studies and reports, treatment capacity studies, and other technology transfer studies.

SARA also calls for the use of permanent solutions and treatment technologies or resource recovery to the maximum extent practicable in carrying out remedial actions. This new emphasis will involve more frequent use of treatability testing and technology demonstration during the remedial process. The Regions should actively support and help implement the OSWER/Office of Research and Development (ORD) hazardous waste Technology Transfer Task Force strategy, and the OSWER/ORD SITES Program. Superfund will build on experience gathered in the SITE program and will continue to use removals as opportunities for applying new treatment technologies and techniques.

Guidance will be developed and the National Contingency Plan will be revised to assist Regions in satisfying the preference for treatment technologies. Ongoing RI/FSSs will be modified to ensure that at least one treatment alternative is analyzed in detail and discussed in the Record of Decision. New RI/FSSs will examine a range of treatment alternatives. Treatment will be the principal element of most final source control remedies.

The Regions should use the expertise of the Emergency Response Team (ERT) when considering the use of innovative technology for removal and remedial site activities. The ERT will provide preliminary design, site lay-out, set-up support, operational oversight, engineering evaluation and analytic support. ERT will also expand its training, technical support and information services programs.

In FY 1988, analytical support for Superfund will be affected by two factors: 1) need for flexibility to be able to respond to changing program requirements; and 2) provision of additional support systems to the Regions. There will be continuing emphasis on maintaining adequate capacity to meet program needs, minimizing

turnaround times, and improving data quality. The Agency will consider an emphasis on short-term field labs handled through the on-site contractor. Expanded and decentralized analytic support will be provided to the Regions, via ESAT contracts and access to SMO information systems, to meet the growing and changing requirements of both RCRA and CERCLA. These resources will supplement the analytic services available through the Regional Environmental Services Divisions (ESDs), Contract Laboratory Program and other technical support contracts.

iii. Delegations

(-)

The Regions will continue to be delegated decision authority for actions that do not: 1) Set major national precedents; or 2) Involve fund-balancing or public interest exceptions. However, some level of consultation for remedy selection will be requested during the early phases of implementing SARA.

Each Region is responsible for reviewing the clean-up status of its NPL sites and initiating technical reviews for those that meet the criteria for deletion from the NPL. OSWER has initiated a Green Border review of the delegation of authority to Regional Administrators for publishing Notices of Intent to Delete in the Federal Register. Total delegation of deletion authority is anticipated in early FY 1988.

° iv. Streamlining the Process

(-)

During FY 1988, Regions will continue to attempt to streamline the remedial process by implementing management initiatives identified in FY 1986 and FY 1987. Overall emphasis in the program will continue to shift from initiation activity to site completions which meet SARA requirements. It is clear that many of the new requirements will hinder our goal of "speeding up the process."

One OSWER initiative is the Expanded Site Inspection, which provides the Regions with additional sampling data at an earlier stage of the remedial planning process in order to improve site characterization prior to the expenditure of significant resources. This will also provide a better basis for the planning and implementation of remedial investigations. Headquarters has developed revised contractor work assignment procedures to facilitate the implementation of phased RI/FS to take advantage of alternative analytical capabilities.

In addition, Regions will be given additional staffing authority to improve the management of both remedial and removal contracts. In functions related to contract administration, Regions will seek to balance the use of program resources with those available to other Regional management units. Another significant initiative involves the implementation of the "Project Management Concept." This will improve technical consistency and accountability by assigning responsibility for all actions at a given site to a single contractor/firm. Other initiatives include the performance

of the aforementioned expedited response actions (ERAs) and delegation of additional responsibilities to Regional project officers.

v. Remedial Contracting Strategy

During FY 1988, the remedial program will begin full implementation of the Alternative Remedial Contracts Strategy (ARCS). A key component of the new strategy will be the incentives for superior performance. Similar to the current REM contracts, the new contracts will have an award fee component to allow Regions to balance the fee on individual projects based on site-specific performance. However, in addition to the award fee, a major new incentive provision will be included. Specifically, a firm's ability to become eligible for additional work through the execution of options for additional LOE hours will be closely tied to their performance on ongoing projects.

The initial contract, which will provide support to Regions III and V, should be awarded during the first and second quarters of FY 1988. At this time, we envision awarding a minimum of three contracts for Region III, and four contracts for Region V. Contractors will work primarily in the assigned Region with limited flexibility to support other Regions on an exception basis. The scope and size of the contracts and the technical evaluation criteria will be designed to ensure a broad spectrum of competition from both large and small firms. The Regions will handle both the contract officer and project officer responsibilities for these contracts.

In addition to the ARCS concept, the Regions will continue to perform the award fee determinations for the REM contracts consistent with national and Regional protocols established during FY 1987.

° vi. Community Relations

Experience to date has reinforced the importance of two-way communications based on informal, personal contact with Regional project officers and site residents. In FY 1988, the Regions will continue to expand their community relations activities, in terms of "risk" discussions, as well as conducting more community relations activities in the early and late phases of the remedial process. Guidance will be developed on making presentations to the public on site clean-up alternatives.

The Regions will continue to implement the basic community relations program. SARA now mandates several activities that in the past were carried out as a matter of policy, including public meetings and public notification on the feasibility study. In addition, EPA Headquarters will continue production of generic fact sheets (on subjects such as clean-up alternatives) and provide training in such areas as risk communication, facilitation, and community relations skills. Regions will focus on site-specific fact sheets. Responsiveness summaries will continue to play a major role in feedback to the public on their reactions to site remedies.

The greatest change in the community relations program will be the provision of technical assistance grants to communities located near NPL sites. The purpose of the grants is to help the public interpret information on possible site hazards, technical decision documents and response actions at a specific facility. Headquarters, together with the Regions, will develop and issue grant regulations during FY 1987.

° vii. Information Management (-)

Given the increased number of sites with ongoing removal and remedial activity, we will be placing greater emphasis on site-specific management. In FY 1988, Regions will have full responsibility and accountability for maintenance of most national data. Regions should use the information management infrastructure that they built during FY 1987 to collect and enter data, ensure data quality and otherwise maintain and support the national CERCLIS system as it will serve as the medium for most Superfund program reporting and evaluation.

Also, the Regions should be using the variety of available automated tools available through CERCLIS, the PC's and the Prime minicomputer. These tools were developed as part of the Superfund Management Advisory Committee's ADP system enhancement activities.

viii. Revision of Hazard Ranking System (+)

In FY 1988, OSWER intends to promulgate revisions to the Hazard Ranking System (HRS), which is utilized to rank potential candidates for the National Priorities List. The revision of the HRS will necessitate training for Regional and State personnel. OSWER will issue guidance on the revised HRS and revised data collection requirements for site inspections.

ix. Management Improvements (-)

The use of Data Quality Objectives (DQOs) will help ensure that the program is collecting data of sufficient quantity and quality to support decisions on clean-up. These guidelines will also help to reduce the cost and duration of remedial work.

Regions will continue to place emphasis on program reviews of States having lead responsibility under single or multi-site Cooperative Agreements. Under the Management Assistance Program (MAP), Regions will review State compliance with the terms and requirements of cooperative agreements and will provide appropriate training to the States.

It is an OSWER priority to enhance its workforce through various approaches such as individual development plans, training and rotations. The Office of Solid Waste and Emergency Response will continue to implement the "Office of Solid Waste and Emergency Response Training Strategy" in FY 1988.

Functional curricula such as the OSC/RPM curriculum will be utilized to increase the programmatic and technical capabilities of on-scene coordinator's (OSC's) and remedial project managers (RPM's). Such efforts will continue to be geared toward professional development of EPA and State staffs as well as in improving our overall effectiveness.

x. Response Claims

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During FY 1987, we will be promulgating regulations governing response claims by private parties. The rulemaking will establish procedures and criteria for prior authorization of private party response at NPL sites.

xi. Health Assessments/Toxicological Profiles

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Under SARA, a health assessment must be completed at every site on the NPL (including RCRA sites) according to schedules prescribed in the act. OSWER has jointly developed a procedures manual with the Agency for Toxic Substances and Disease Registry (ATSDR) to facilitate the completion of these assessments. Topics to be covered in the manual include: 1) overview of the remedial process; 2) the scope of ATSDR's health assessment activities; 3) prioritization of sites; and 4) the coordination process between EPA and ATSDR. While ATSDR will assess the risk to public health from existing exposure, EPA will continue to perform the broader public health evaluation and endangerment assessments associated with selecting the remedial approach.

In addition, OSWER will continue to work with the Office of Pesticides and Toxic Substances to develop and utilize the toxicological profiles as required under SARA.

xii. Mandatory Schedules/NPL Listing

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Regions will continue to conduct preliminary assessments and site inspections in accordance with mandated schedules and citizen petitions. By January 1, 1988, every site in CERCLIS, as of October 17, 1986, must have a completed preliminary assessment and a decision must be made as to whether the site requires a site inspection or whether no further action is needed at the site. OSWER plans to meet this deadline, as well as the deadlines for site inspections, RI/FS starts, and remedial action starts.

OSWER will continue to issue policy and process guidance to Regions to assist in the NPL candidate evaluation and rulemaking process. In FY 1987, OSWER will develop and disseminate the first annual SARA publication which will be comprised of a national list of completed removal actions at NPL and non-NPL sites. This publication will serve as a vehicle to provide greater visibility to Superfund accomplishments.

\* C. Maintain a Strong Enforcement Program

Both the original Superfund law and the 1986 amendments place an important emphasis on a strong enforcement program. During FY 1988, OSWER will attempt to increase potentially responsible party response through use of Section 122 settlement procedures and Section 106 administrative orders as well as to increase cost recovery efforts and impose civil and criminal penalties where appropriate. While the 1986 Superfund amendments do provide some important new authorities for ensuring private party clean-up, the amendments generally codify existing enforcement activities. The following discussion highlights the activities that will be undertaken and the tools that will be used:

\* i. Increase PRP Response Through the Settlement Process

A fundamental goal of the Superfund enforcement program is to encourage PRPs to enter into negotiations and to reach settlements with EPA for conducting response actions. All of the activities discussed below (except non-binding preliminary of allocation agreements) are ongoing activities conducted pursuant to the original Superfund law or existing program policy. However, many of these activities or tools have been modified in various ways by the 1986 amendments. EPA plans to create incentives for encouraging PRPs to enter into settlements for conducting response actions in the following ways:

PRP Searches

(-)

SARA emphasizes the importance of reaching negotiated settlements with PRPs. To facilitate an overall effort to reach such settlements, EPA plans to enhance existing efforts to identify responsible parties and to identify such parties earlier in the enforcement process, preferably before the site is listed on the NPL. EPA also plans to utilize the new authority in SARA to hire civil investigators to conduct PRP searches. To ensure negotiations are conducted in a timely fashion, PRP searches should be undertaken thoroughly and early in the enforcement process.

Notice Letters, Information Exchange, and Subpoenas

(-)

SARA provides for procedures which modify our current EPA policy and procedures relating to notifying PRPs of their potential liability and exchanging information about a site with PRPs. The Superfund amendments authorize EPA to issue "special notices" for informing PRPs of their potential liability and for requesting and providing information when such procedures will facilitate negotiations. Such notices are followed by a moratorium on certain EPA actions for a specified period of time. The amendments also authorize EPA to issue subpoenas to obtain information when PRPs do not promptly respond to information requests.

SARA provides for an increased emphasis on the use of "special notices" and on information exchanges with PRPs to facilitate the settlement process. EPA plans to utilize SARA's "special notice" procedures in most cases and to exchange information with PRPs early in the process.

EPA efforts will include greater emphasis on identifying and notifying a greater number of PRPs and providing such PRPs with as much relevant information as possible. Relevant information will include the names and addresses of other PRPs, the volume and nature of substances contributed by each PRP, and ranking by volume of substances at facilities when this information is available.

In addition, EPA plans to aggressively utilize the new subpoena authority where appropriate to ensure information exchange necessary to facilitate settlements.

#### PRP Conduct of Remedial Investigation/Feasibility Study (-)

SARA enhances existing Agency policy and authorities established under the original law which allowed PRPs to conduct the RI/FS. The Superfund amendments clarify that PRPs are authorized to conduct response actions (including RI/FS) and allow EPA to provide PRPs with an opportunity to conduct the RI/FS. EPA will place particular emphasis on encouraging PRPs to undertake the RI/FS.

The use of special notices early in the process would trigger the moratorium on EPA initiation of the RI/FS and should give PRPs a realistic opportunity to assume responsibility for conducting RI/FS. In addition, the amendments require EPA oversight of the PRP's RI/FS. Revisions to the Agency's RI/FS oversight guidance is expected in FY 1987 and will provide for consistently applied oversight of such work. This guidance will include a discussion of when to utilize the civil penalty authorities under SARA for noncompliance with any order, decree, or settlement agreement, including agreements with PRPs for conducting RI/FS.

#### PRP Conduct of Remedial Design/Remedial Action (-)

Similar to the discussion above, SARA also enhances existing Agency policy which allowed PRPs to conduct RD/RAs. EPA plans to increase efforts to encourage PRPs to enter into negotiations and reach settlement agreements for conducting RD/RAs. An increased number of PRP-conducted remedial designs and remedial actions is expected during FY 1988. PRPs are being encouraged to begin discussions on RD/RAs during the feasibility study. In addition, use of the "special notice" procedures will trigger the moratorium on EPA conduct of such actions, thereby providing a discrete timeframe for the PRPs to submit a proposal for undertaking or financing RD/RAs.

° Non-binding Preliminary Allocation of Responsibility. (+)

SARA provides new authority not contained in the original law relating to the development of non-binding preliminary allocation of responsibility among PRPs. The Superfund amendments authorize the President to use NBARS if they would facilitate settlements and require the President to develop guidelines for such NBARS. EPA plans to develop guidelines for and use NBARS to facilitate allocation of responsibility among PRPs where appropriate.

It is anticipated that pilot NBARS will be developed in FY 1987 and guidelines for using NBARS will be in place by FY 1988. NBARS will be used at sites where PRPs express an interest in using such NBARS, where there are many PRPs, and where it is believed NBARS will facilitate settlements.

° "DeMinimis" Settlements (-)

SARA modifies existing procedures for reaching "De Minimis" settlement with certain PRPs. The Superfund amendments authorize EPA to expeditiously reach final settlements with PRPs if the settlement involves a minor portion of the response costs and the waste sent to the site by the PRP is minimal in comparison to other hazardous substances at the facility. In addition, settlements may also be entered into with landowner PRPs if the landowner did not conduct or permit the disposal, did not contribute to the release, and did not buy the property with actual or constructive knowledge that the property was used for waste disposal. The statute authorizes such settlements to be entered into as administrative orders or consent decrees.

EPA will continue to encourage the use of "De Minimis" settlements where appropriate. Currently there are several "De Minimis" pilot projects underway and Agency-wide guidance should be in place by FY 1988.

Releases From Liability/Covenants Not to Sue (-)

SARA modifies existing Agency policy relating to entering into covenants not to sue with PRPs. The Superfund amendments authorize EPA to provide PRPs, in certain circumstances, with covenants not to sue for liability under CERCLA (including future liability). This provision generally adopts EPA guidance set forth in the Interim CERCLA Settlement Policy and could be an important tool in encouraging PRPs to conduct permanent remedies that fully meet the clean-up standard requirements of the Superfund amendments. Covenants not to sue have been entered into in the past based upon the guidance set forth in the settlement policy.

EPA plans to continue entering into covenants not to sue where appropriate to facilitate the overall goal of maintaining an effective enforcement program. During FY 1987, EPA will be amending the interim settlement policy, including the provision relating to covenants not to sue. Guidance should be fully

### III. CHEMICAL EMERGENCY PREPAREDNESS PROGRAM, COMMUNITY RIGHT TO KNOW, AND PREVENTION

#### 1. Introduction

FY 1988 will be the third year of the Chemical Emergency Preparedness Program (CEPP) which was announced in June 1985 as part of the Agency's Air Toxics Strategy. The overall program goals are to promote community awareness of chemical hazards and assist in the development of State and local preparedness programs and response capabilities. In FY 1986 and FY 1987 the program objectives were: to develop the list of extremely hazardous substances and accompanying guidance; build program infrastructure at the Federal, State, and local levels; begin program implementation; and establish data bases to better understand the causes of chemical accidents. In FY 1987 CEPP Implementation was enhanced by the new requirements of Title III of SARA (October, 1986): a State and local emergency planning structure, and industry reporting requirements (community right to know) and participation in the planning process.

#### 2. Program Priorities

##### \* A. Implement New Emergency Planning and Community Right To Know Authorities (+)

In FY 1988, the Regions, coordinating through RRTs, will accelerate program assistance to States and through States to communities to meet the emergency planning and community right to know requirements of Title III. Further, in FY 1988, the program will continue its two pronged approach to prevent chemical accidents, i.e. gathering information on causes of accidents and ways to prevent them, and influencing professional organizations and private industry to begin initiatives in these areas.

##### i. Roles

The role of EPA Headquarters is to provide overall coordination of program development and implementation and provide additional guidance, program oversight and assessment and support to Regional Offices. In particular, Headquarters will coordinate Federal training and technical assistance resources to Regions. Federal interagency coordination at the national level will take place primarily through the National Response Team and directly with key agencies such as U.S. Coast Guard, FEMA and OSHA. OSWER will coordinate closely with the Office of Pesticides and Toxic Substances which has the lead for Section 313 of Title III (Emissions Inventory) and trade secrets Section 322. This office also provides technical support to OSWER on other Title III activities.

EPA Regions will be responsible for overall preparedness and prevention program implementation within their Region. Regions

will provide active assistance to States in implementation of their Title III responsibilities, working closely with the State Emergency Response Commissions established under Section 301. In this role, Regional staff will provide training and technical assistance to States and through States to local personnel and assess program implementation. The Regional Response Team (RRT) will provide the primary forum for coordinating activities in the Regions, particularly in the area of training and technical assistance. As with Headquarters, Regional staff will ensure close coordination with key agencies such as Coast Guard, FEMA and OSHA. EPA RRT Co-chairs will work with their Coast Guard Co-chair and member agencies to build RRT preparedness capabilities to implement the NRT/RRT preparedness initiative through RRT workplans and to manage the additional RRT preparedness resources provided to key Federal Agencies through the interagency budget.

Title III mandates major State and local responsibilities for preparedness and community right-to-know. State and local implementation is critical to program effectiveness. The State role is to provide program leadership in the State, to ensure the development of the emergency planning structure and implementation of State and local Title III responsibilities, and to provide training and technical assistance to communities. The local government role is to take the lead in carrying out community right-to-know, emergency planning, preparedness and response functions.

° ii. Preparedness Priorities

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Preparedness efforts will build upon the CEPP with the new authorities and requirements of Title III. Program priority will continue to build State program leadership and focus joint Federal/State assistance in priority areas designated in CEPP State implementation memoranda. Emphasis will be on assisting States in meeting Title III deadlines, assisting States and communities in managing community right-to-know information and on simulations and exercises to evaluate contingency plans, preparedness, and response operations. Regions will continue to coordinate preparedness activities with the RRTs.

° iii. Prevention Priorities

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In FY 1988, the Accidental Release Information Program will continue to gather information from facilities which have had frequent and/or large chemical releases or releases with major public health or environmental impact. The purpose of this activity is not only to increase our knowledge but to focus corporate management attention on prevention of potential problems. In addition, Headquarters and the Regions will conduct a limited number of chemical process safety audits, often jointly with OSHA, NRC, other Federal agencies and the States. A primary focus of this activity will be to train

implemented by FY 1988.

° Mixed Funding

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SARA provides explicit authority that allows mixed funding at Superfund sites; this modified existing procedures for such settlements. Mixed funding refers to situations where both the fund and PRPs pay for a portion of total costs of response at a Superfund site. The Agency's Interim CERCLA Settlement Policy authorized mixed funding, but the Agency has not yet issued separate guidance.

EPA will continue to provide mixed funding where appropriate, especially in cases where settling parties agree to perform the clean-up and where there are financially viable recalcitrants to pursue. Guidance will be issued on circumstances where mixed funding is appropriate. Procedures for providing such funding in FY 1987 will also be issued.

ii. Increase PRP Response through Section 106 Administrative Orders

Another tool for ensuring private party clean-up is the use of administrative orders authorized under Section 106 of CERCLA. Under the original Superfund law, the Agency is authorized to issue administrative orders to require PRPs to conduct response actions. This basic tool has not been altered by the 1986 amendments. As under current policy, the Agency plans to continue issuing administrative orders when negotiations with PRPs for a voluntary settlement fails to produce a workable agreement. During FY 1988, the use of administrative orders will continue to be an important method for assuring private party cleanup for both removal and remedial actions. In addition, administrative orders at sites which will not be the subject of further fund-financed clean-up are the highest priority for referrals for injunctive relief.

\* iii. Increase Recovery of Costs into the Trust Fund

An essential component of an effective enforcement program is the ability to recover costs of conducting response actions from PRPs when fund money has been used under Section 104 of CERCLA to conduct such responses. An effective cost recovery program not only helps to preserve adequate fund resources for those sites where PRPs are truly unknown or unable to pay, but it is also an important tool for providing an incentive for PRPs to conduct their own actions in the first instance. The ongoing cost recovery efforts will be enhanced by the following provisions contained in the 1986 amendments.

Cost Recovery Settlements

(+)

EPA plans to develop and utilize procedures for settling cost recovery cases administratively. The Superfund amendments

authorize Federal agencies, including EPA, to settle claims for cost recovery under Section 107 of CERCLA if the claim is less than \$500,000 and has not been referred to the Department of Justice. In addition, Federal agencies can settle such claims that are greater than \$500,000 with concurrence from DOJ.

The Agency will focus its efforts on both administrative and civil action cost recoveries. EPA is in the process of developing and will use special procedures for settling such claims administratively, including procedures for obtaining DOJ concurrence on claims greater than \$500,000. The Agency plans to continue the general policy of initiating cost recovery actions for removals within one year of completion and for remedial actions within 18 months of signing the Record of Decision. In addition, the Superfund amendments permit the use of arbitration to settle these cases and we expect such regulations to be promulgated by FY 1988.

Use of administrative procedures for settling cost recovery claims together with an aggressive civil action program will result in increased cost recoveries into the fund.

#### Administrative Record

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The Superfund amendments require the Agency to establish an administrative record as the basis for selecting a response action. We are also required to develop procedures and promulgate regulations for developing the record. Judicial review of the adequacy of response actions is generally limited to the administrative record. The courts are required to uphold EPA's remedy decision unless the objecting party can demonstrate, based on the administrative record, that EPA's decision was arbitrary and capricious or not in accordance with the law.

The Agency expects interim guidance to be in place during FY 1987 and anticipates promulgating final regulations for developing an administrative record during FY 1988. The development and maintenance of administrative records for response actions is a high priority. The regulations will ensure that proper administrative records are developed. A proper administrative record is important in ensuring that the Agency is able to defend its decisions regarding remedy selection and in allowing the Agency to recover the full costs of such actions from responsible parties.

#### iv. Increase Imposition of Civil and Criminal Penalties

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EPA plans to increase the use of civil and criminal penalties where appropriate. The amendments authorize increased penalties for civil and criminal violations of CERCLA and provide new authority to assess civil penalties administratively. These penalties are authorized for various violations of CERCLA including failure to provide notice of releases under Section 103, failure

# APPENDIX

## OERR KEY SUPPLEMENTAL REGULATIONS/GUIDANCE

<u>Document</u>	<u>Expected Publication (Final)</u>
National Contingency Plan	4/17/88
HRS Revision	4/17/88
State Involvement	4/17/88
Local Reimbursements	9/25/87 (Interim Final)
RQs for Radionuclides	4/20/88
RQs for Carcinogens	4/20/88
RQs for Extremely Hazardous Substances (non-carcinogens)†	5/3/88
RQs for Extremely Hazardous Substances (carcinogens and chronic)†	8/30/88
Response Claims	9/30/87
Technical Assistance Grants	12/31/87
Natural Resources Damage Claims/ Arbitration Procedures	8/31/87
OSHA Worker Protection Regulations	1/17/88
BDAT Soil and Debris Regulations (HWA/Land Ban)	11/8/88
Internal Delegations	3/17/87
Section 111(o) Procedures (Notify State/Localities on Claims)	1/15/87 (Federal Register Notice)

† If RQs are not promulgated by April 30, 1988, RQs become  
1 pound for all the extremely hazardous substances.

APPENDIX  
SUPERFUND ENFORCEMENT  
KEY SUPPLEMENTAL REGULATIONS/GUIDANCE

<u>Document</u>	<u>Expected Publication (Final)</u>
Notice Letter Guidance	9/87
RI/FS Guidance	4/86
NBAR Guidance	9/87
DeMinimus Settlements Guidance	12/87
Settlement Policy	12/87
Covenant Not to Sue Guidance	12/87
Mixed Funding Guidance	9/87
Cost Recovery Procedures Manual	9/87
Arbitration of Small Claim Regulations	10/87
Administrative Record Regulations	4/88
State Involvement Regulations	4/88
Contractor Indemnification Regulations	12/88
Federal Facility Guidance	8/87

to comply with an order or request under the information gathering and access authorities of Section 104, and failure to comply with an order, decree or settlement agreement under Sections 122 or 120.

° v. Address Contractor Indemnification through Regulatory Action (+)

Another important provision in the Superfund amendments addresses contractor liability issues. At present, it is difficult to secure affordable and adequate liability insurance coverage for response action contractors (RACs) involved in Superfund clean-up actions. The Superfund amendments and EPA policy address this problem through discretionary indemnification of such contractors.

The Superfund amendments give EPA discretionary authority to indemnify RACs against liability (including the expenses of litigation settlement) for negligence arising out of the RAC's performance in carrying out response action activities under CERCLA with certain limitations. The Agency expects interim guidance to be in place during FY 1987 and to promulgate final regulations covering such indemnification during FY 1988.

Indemnification will apply to all EPA approved RACs and their subcontractors working under the Superfund program for EPA, another Federal agency, the States, or PRPs if certain conditions are met. Such indemnification will be provided only as a supplement or substitute for insurance or responsible party indemnification and will be limited to liability related to Superfund clean-up activity releases.

\* D. Facilitate Federal Facility Response Actions (-)

An important goal of the Superfund amendments is to ensure that Federal facility response actions are consistent with CERCLA. Consequently, the amendments confirm that CERCLA is applicable to such facilities and provides for substantial EPA involvement in clean-up at such facilities.

Interagency Agreements (+)

The Superfund amendments establish a process that EPA and other Federal agencies must follow in initiating and completing various response activities. This includes a requirement for EPA to coordinate and oversee investigatory activities at Federal facilities and requires EPA and other Federal agencies to enter into interagency agreements governing remedial actions at NPL sites. Guidance governing EPA's role in such activities should be available prior to FY 1988 and our emphasis will be on entering into actual agreements with Federal agencies governing response activities. In addition, the Agency plans to issue the Federal Facilities Program Manual for Implementation of CERCLA/SARA in FY 1987 which will include a discussion on interagency agreements.

SARA also provides that EPA and the responsible Federal agency jointly select the remedy at a site. However, in situations where EPA and the Federal agency do not agree on the remedy, EPA has final authority to select the remedy. The Agency has developed a dispute resolution process to deal with situations where disagreement exists on the final remedy. This process is discussed in the revised executive order which delegates CERCLA authorities to various Federal agencies.

Docket

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The Superfund amendments require EPA to establish a special Federal agency docket. This docket will include information on Federal hazardous waste facilities submitted under Section 3016, Section 3005, or Section 3010 of the Resource Conservation and Recovery Act or reported under Section 103 of CERCLA. The development of the docket should be completed in FY 1987 and the emphasis in FY 1988 will be on managing the docket.

\* E. Increase State Participation

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While CERCLA and existing Agency policy do provide for State involvement in the Superfund program, the Superfund amendments enhance and formalize the States' role in all Superfund response activities. For example, the amendments require the Agency to promulgate regulations for substantial and meaningful State involvement in the initiation, development, and selection of remedies for fund-financed, enforcement, and Federal facility sites. The amendments also require the President to notify States of negotiations with PRPs and to provide an opportunity for State participation in such negotiations, and establish a process for State challenges to remedial action decisions.

The Agency strongly encourages and plans to promote State involvement in all response actions. This will include the following activities in FY 1988: the promulgation of regulations for State participation in Federal-lead remedial actions at NPL sites as part of the revisions to the National Contingency Plan, a series of policies and guidance documents covering State enforcement activities at State-lead enforcement NPL sites, and an emphasis on State participation in all Superfund Implementation workgroups. The Agency will also encourage States to provide similar opportunities for EPA review and consultation at State-lead sites. Similarly, the Agency will place special emphasis on encouraging the Regions to coordinate closely with States at State-lead sites, including the sharing of information on technical and enforcement progress toward cleanup. Close coordination will ensure that settlements and remedies will be acceptable to both sides; it will also allow proper EPA oversight of State expenditures of Superfund money used by the States for various enforcement activities.

State inspectors.

In FY 1988, Headquarters will complete the study required by (+) Title III on emergency systems, focusing on filling the data gaps identified in the FY 1987 interim report to the Congress. An integral part of the program will be maintaining liaison with national and international organizations to share information on chemical accidents and to identify innovations. The Agency will also work closely with professional organizations such as AIChE, ASSE, and others to fill the gaps identified through the information collection effort.

This program is closely linked to the Superfund program in that it is focused on preventing or mitigating the effects of releases and on enhancing Federal-State-local-private preparedness for response to environmental releases of hazardous substances.

## APPENDIX

### KEY SUPPLEMENTAL REGULATIONS/GUIDANCES

<u>Document</u>	<u>Expected Publication (Final)</u>
Section 302 Extremely Hazardous Substances/Threshold Planning Quantities	4/87
Sections 311-312 Emergency and Hazardous Chemical Inventory Forms and Community Right to Know Reporting Requirements	7/87
National Response Team Emergency Planning Guide	3/87

#### IV. RESOURCE CONSERVATION AND RECOVERY ACT

##### 1. Introduction

The basic authority for the national waste management program is the Resource Conservation and Recovery Act (RCRA). It was amended and strengthened in 1984 by the Hazardous and Solid Waste Amendments (HSWA). RCRA established a "cradle to grave" approach to the management of hazardous waste. The major goal of this system is the protection of human health and the environment. HSWA significantly expanded both the scope of coverage and the detailed requirements of RCRA and strengthened the program for non-hazardous wastes (Subtitle D).

Two major goals will drive the effective development, implementation and enforcement of the national hazardous waste program in FY 1988: 1) improvement of the existing system for managing hazardous waste; and 2) prevention of future degradation of the environment. The FY 1988 RCRA Implementation Plan (RIP) will provide detailed implementation guidance and direction to the Regions and States; it identifies specific program goals, high priority activities and policies that must be reflected in State and Regional planning documents.

The specific program priorities for FY 1988 target six categories:

##### A. Expedite and Improve Operating Permits

We will meet land disposal permit deadlines, provide capacity by issuing permits to facilities offering alternatives to land disposal, and address cleanup (corrective action) of prior or continuing releases through appropriate permit or enforcement actions.

##### B. Close Facilities Threatening Human Health and the Environment

We will minimize the post-closure escape of hazardous constituents into the environment and take corrective action to remedy existing environmental problems at closing/closed facilities.

##### C. Develop Effective Regulations

We will continue to stress development of effective, enforceable regulations as well as make regulatory "fixes" in order to improve the system. We will propose comprehensive corrective action regulations to establish a basic framework as well as develop regulations for, among others location standards, Subtitle D wastes and concentration - based listings.

##### D. Monitor Compliance and Enforce Regulations

We will maintain monitoring and enforcement with an emphasis on groundwater protection. In addition, we will monitor and enforce corrective action requirements in permits, orders and decrees and

land disposal restrictions.

E. State/Federal Partnership

EPA and States must continue to work closely together on program delegations and implementation particularly where States have not yet received HSWA authorization. EPA and the States will have joint permitting and enforcement responsibilities until 1990.

F. Information Management Activities

We will seek to make improvements geared towards more effective utilization of our data systems. These efforts will be evident as the RCRIS conversion becomes effective during FY 1988.

2. Program Priorities

A. Expedite and Improve Operating Permits

\* i. Meet Permitting Deadlines (-)

The top priority for the Regions and States in FY 1988 will be meeting the November 8, 1988 deadline for permit decisions on operating land disposal facilities as well as the November 8, 1989 deadline for permitting of incineration facilities. In addition, for all facilities other than land disposal or incinerators, call-ins must be completed by May 1988. Interim Status terminates on November 8, 1992 unless the owner/operator submits a permit application by November 8, 1988. Processing of these permits is a low priority in FY 1988 except: in States without a heavy workload for land disposal facilities or incinerators; for facilities causing health or environmental problems, and for facilities providing alternative treatment capacity.

Facility management plans (FMPs) are the mechanism to develop a strategy to move facilities through the permitting process in a timely fashion. Regions and States should continue to use a team approach to coordinate permitting and enforcement actions at a facility. Agency/permittee meetings, documented as part of the regulatory record, should be used to facilitate the permitting process.

\* ii. Permits for New and Expanded Treatment Capacity (+)

The more stringent procedural and technical requirements of HSWA, in particular, the land disposal restrictions program combined with the minimum technological requirements and corrective action, will increase the need for permitting new and expanded capacity. The permitting of facilities with alternate treatment technologies will become a major focus of the program.

Streamlining the permit program offers the best hope for expediting the permit process for new facilities. In addition, resolving regulatory impediments to the issuance of permits for mobile

treatment units and to modifications in existing permits (major/minor permit modifications) will assist in speeding the permit process. Permit modifications should be a high priority when they increase capacity or address restricted wastes.

EPA Headquarters is working toward implementation of waste minimization techniques that may play a critical role in helping to abate capacity shortfalls and for assuring the public that effective efforts are being made to manage waste responsibly.

Community involvement continues to be an important component of the permitting process. The Regions and States should make every effort to notify and inform the local community of all significant permit actions. These efforts will allow EPA and the States to obtain the most complete information on the facility and avoid litigation that delays the final stages of the permit process.

\* iii. Corrective Action (-)

Corrective action activities may be conducted during interim status, permitting and closure stages. EPA will focus on corrective actions at operating land disposal facilities and incinerators in the permit pipeline and other facilities that pose the greatest overall threat to human health and the environment. After considering this overriding priority, the priorities in descending order are: off-site commercial disposers/treaters; others in the permitting pipeline, including land disposal, incineration and alternate treatment facilities; and closing land disposal facilities.

Before an operating permit is issued, the Agency or State should undertake a RCRA Facility Assessment (RFA) to determine whether there may be releases. All operating land disposal facilities are to have received RFAs by September 1987. At facilities subject to operating permits, corrective action steps after the RFA may be required through a schedule of compliance in an operating permit. EPA and the States must review and approve documents submitted by these facilities in a timely manner. This is a resource-intensive effort, yet necessary in order for facilities to complete each milestone and keep on track for cleanup.

The Agency's goal should be to ensure that all permits have enforceable schedules of compliance for corrective action activities. If necessary, enforcement orders can be used in advance of permit issuance to compel corrective action in the case of immediate threats or to get corrective action investigation activities underway prior to permit issuance. The choice of using an order or permit to secure various steps of corrective action at facilities seeking permits should be made a part of the FMP process.

During FY 1988, Federal facilities should adhere to corrective action rules and policies. Regions should work with the Federal

agencies on their A-106 reports and comment on adequacy of funding for priority RCRA permits and closures.

\* B. Close Facilities Threatening Human Health and the Environment

The objectives of the closure/post-closure programs are to minimize the post-closure escape of hazardous constituents into the environment and to take corrective action to remedy existing environmental problems at closing/closed facilities, including storage and treatment facilities with contamination. Sections 3008(a) and (h) and 3004(u) of HSWA and various State authorities provide flexible tools for ensuring the environmental integrity of these facilities.

The Agency is focusing upon closure of regulated units via the closure plan approval process and the issuance of enforcement orders or post-closure permits to obtain corrective action at environmentally significant facilities. Priorities for post-closure activities should be based on need for corrective action. If enforcement orders are used as the first step to compel action, they can later be incorporated into post-closure permits when appropriate. Regions and States should continue to use the FMP process to refine their multi-year permit/closure strategies.

C. Develop Effective Regulations

o i. Emphasize Development of Effective, Enforceable Regulations

During FY 1987 and continuing into FY 1988, the Agency, in particular cooperation with Regions and States, will place a priority on ensuring that new regulations are effective and enforceable. Examples of new regulations that will need special focus are the technical and procedural standards for corrective action, the Subtitle D criteria, and the location standards.

Section 3004(u) of HSWA requires corrective action for releases of hazardous wastes or constituents from any solid waste management unit (SWMU) at a treatment, storage and disposal facility (TSDF) subject to a RCRA permit. Permits must also contain assurances of financial responsibility for complying with corrective action. While a number of guidances have been issued to assist the Regions and States as they undertake corrective action, the scope of the program requires a more comprehensive approach than now exists. The Agency will be developing a regulatory framework to define both the procedural and substantive requirements for the program. This major rulemaking will provide the States, the regulated community and other parties the opportunity to participate in setting program standards and provide a solid legal foundation to implement those standards.

In addition, the regulations will tighten closure standards, will provide appropriate consistency between RCRA and CERCLA cleanups, and will revise existing regulations for regulated

unit corrective action.

During FY 1988, new programs will be evolving that will require considerable attention and coordination among the Agency and the States. These programs include the land disposal restrictions program, the minimum technology requirements, a more sophisticated corrective action program, waste minimization, Subtitle D, and the control of air emissions from waste treatment and disposal facilities (e.g., municipal waste combustion). A strong Federal and State outreach program will be needed if the regulated community is to comply with these new programs.

EPA will continue its efforts to develop and distribute clear and useful guidance. EPA Headquarters will seek a better system for obtaining Regional and State input with regard to what guidances are developed and how they can be made more useful.

\* ii. Develop a Simplified System for the Future

Even with corrections in the current regulatory program, the existing approach to regulating hazardous waste presents problems because of its complexity and inconsistencies. The Agency will focus on laying a foundation for an integrated technology performance/risk-based future system. Traditionally the RCRA program has relied on a technology-based performance approach, e.g., secondary containment for hazardous waste tanks regardless of the permeability of the soils in which they are located. During FY 1988, EPA will continue to move toward combining this approach with one that seeks to identify the situations or wastes posing the greatest risks to human health and the environment. Limited program resources can then be targeted on abating or eliminating these risks.

Among the issues that will be examined by the Agency, States and the regulated community are: ensuring consistency among different disposal methods, regulating wastes and products consistently, developing a concentration-based approach to listing of hazardous waste, examining the delisting approach, encouraging waste minimization, and identifying incentive-based private sector approaches.

D. Monitor Compliance and Enforce Regulations

Safeguarding human health and the environment requires compliance with RCRA requirements. Therefore, ensuring that compliance is achieved is a priority of the Regions and States. In FY 1988, the Agency will continue to emphasize land disposal facility compliance with groundwater protection, closure/post-closure and financial responsibility requirements.

In addition, the base program covering administrative and technical standards for TSDFs will be substantially augmented by new requirements having broad and interrelated effects. Numerous land disposal facilities, previously governed by generic interim status standards, will be subject to facility-specific permits

and closure plans. Corrective action studies will be underway at land disposal and other environmentally significant facilities. Land disposal restrictions are likely to result in substantial modification of waste treatment and disposal practices.

The more stringent technological requirements for land disposal facilities and the retrofitting requirements for surface impoundments will also contribute to the major transition in waste management practices. In addition to inspecting and enforcing these significant new requirements at treatment, storage and disposal facilities, the Agency will place increased emphasis on targeted handlers subject to land disposal restrictions.

Handlers that pose an immediate threat to human health and the environment are the highest priority for compliance monitoring and enforcement actions. Other activities for FY 1988 include the following:

\* i. Inspections

Inspection priorities are established by statute and Agency policy. Under the HSWA requirements, EPA will inspect all Federal, State and local treatment, storage and disposal facilities annually and that the remaining TSDF's be inspected by EPA or the State at least once every two years. As a matter of Agency policy, certain categories of handlers will be inspected more frequently than required by law. For example, all operating and closing land disposal facilities are to be inspected in FY 1988. Also, the CERCLA Off-site Policy requires that TSDF's receiving Superfund wastes be inspected within the six month period prior to acceptance of the waste.

In addition, the land disposal restrictions necessitate a substantial increase in the number of inspections of targeted handlers. Other inspections of major importance include those needed to support case development and those undertaken to oversee compliance with conditions of orders and permits.

\* ii. Enforcement Actions

Enforcement action will be taken against handlers that pose an immediate threat to human health or the environment. Such enforcement actions may require corrective action for releases to human health or the environment or may compel a return to compliance with statutory or regulatory requirements. Enforcement actions will also be pursued against the following:

- ° Owners and operators of facilities likely to receive Superfund wastes if the facilities are not in compliance with RCRA requirements or have unaddressed releases of hazardous waste or hazardous constituents.
- ° High Priority Violators of the pre-HSWA program, as defined in SPMS and the Enforcement Response Policy, particularly disposal facilities in violation of groundwater monitoring, closure/

post-closure and financial responsibility requirements.

- Facilities in significant violation of requirements for corrective action in permits or orders.
- Owners and operators of hazardous waste management facilities with environmentally significant releases.
- Targeted handlers subject to land disposal restrictions.

\* E. State/Federal Partnership

RCRA has always required close coordination between EPA and the States. Under HSWA the States and EPA must work in even closer coordination to achieve a joint working relationship to implement the HSWA provisions until States are authorized to administer the Amendments. In FY 1988, the Regions and the States should have as a priority, where capability is demonstrated in the base program, capability assessments and HSWA authorizations. A major effort should be made to enhance the State/Federal partnership through agreement on program goals and methods of implementation.

o F. Information Management Activities (-)

In FY 1988, the Agency and the States should continue to have as a priority an improved data management system. Information is needed to determine where the greatest environmental benefits can be obtained and where accomplishments have occurred. To date EPA and the States have not done a good job characterizing the extent and severity of the problems and the progress made in addressing them. This data can ensure that priorities for taking action maximize environmental results. The new RCRIS system will be a key component of the FY 1988 information management activities.

The Regions and States should play a critical role in obtaining this data and ensuring its quality. The types of information to be acquired should include: an accurate list of facilities subject to RCRA requirements, including land ban requirements such as the constituent-based California list and the operating/closing status of areas of the facility; a list of newly HSWA-regulated entities, e.g., SQGs and burners/blenders; the amount and type of waste generated for the biennial report; information on wastes going to different media and different types of facilities; accurate tracking of compliance monitoring and enforcement activities, including schedules of compliance and returns to compliance. During FY 1988 both Headquarters and the Regions will have to review and act upon a large number of waivers and petitions. A useful and accurate tracking system must be developed to meet this need.

## V. UNDERGROUND STORAGE TANK PROGRAM

### 1. Introduction

The Office of Underground Storage Tanks (OUST) was established at EPA in 1986 to respond to the requirements of Subtitle I, an amendment to the Resource Conservation and Recovery Act. Some state and local governments currently operate regulatory programs or emergency response programs that address the problem of leaking underground storage tanks. However Congress has now called for concerted government action on a national scale to reduce a growing problem of groundwater pollution from leaking underground storage tanks, and to prevent such pollution in the future.

In 1986, Subtitle I of RCRA was amended by the Superfund Amendments and Reauthorization Act. The two major changes to Subtitle I were to establish a trust fund providing federal funds for corrective action and enforcement for leaking underground storage tanks, and to require that owners and operators of underground tanks maintain evidence of financial responsibility.

During FY 1987, there is significant work to be done in developing implementation plans and detailed guidance for this new program. The Operating Guidance provides broad guidance for purposes of priority-setting by Headquarters and Regional offices and States. This will be followed by supplemental guidance and planning documents that address in more detail the trust fund, the State program approval process, enforcement issues, and targeted federal program implementation in the field. Regions and States will be invited to participate actively in this planning process during FY 1987.

In FY 1988, as in FY 1987, the overriding priorities of the UST Program are to: (A) prevent and reduce groundwater degradation by developing a national UST program; and (B) clean up leaking USTs by implementing the Federal LUST Trust Fund. Program activities that support these objectives are as follows:

#### \* Promulgate UST National Standards and Requirements

Since a national regulatory program must be based first and foremost on a set of national standards and requirements, the completion of national standards continues to be the highest priority activity for OUST in FY 1988. Proposed regulations covering technical standards, financial responsibility, and state program approval will be published for public review and comment during FY 1987. Depending on responses to these proposed regulations, public hearings may be held during FY 1987 or FY 1988. The final regulations will be published in FY 1988, and will become effective three months after the date of promulgation. Guidance materials to supplement the new regulations will also be published in FY 1988.

\* Support Development of State UST Programs

The second most important ingredient of an effective national regulatory program, after establishing national technical standards, is to have as many effective State programs as possible. States with effective programs approved by EPA thus become the implementing arm of the national UST program, tailoring national requirements to reflect the unique environmental characteristics and governmental structure of each state.

During FY 1987 and FY 1988, EPA's focus is on preparing its staff to review draft State program approval applications in late FY 1988 or early FY 1989, and on assisting and encouraging States to develop State authorities and funding mechanisms for new UST programs where needed.

During FY 1988, the final UST regulations will be published, and EPA then begins the State program approval process. The Regions will have the lead in the approval process, with participation and assistance from OUST. Since it is unlikely that EPA will receive many State applications during FY 1988, the Regions will be busy providing review and comment on draft applications and otherwise assisting states in developing their programs. This activity will be the highest priority activity for the Regions in FY 1988.

Regions will continue to negotiate and oversee State grants, which will require an increase in State funding match from 15% to 25% in FY 1988. It should be noted that Congress intended that Federal grant funds in the Underground Storage Tank Program be used as "seed" money to assist States with development of State programs. There are no plans for substantial long-term Federal funding of State-run programs. However, EPA will assist States in finding ways to pay for their programs, and will be providing information on alternative State funding mechanisms in FY 1987. EPA will also be developing a variety of implementation tools for use by States, and will provide a forum for States to share information and experience concerning UST programs.

Begin Targeted Federal UST Program

Establishing a "national" regulatory program for underground storage tanks does not mean establishing a "federal" program, administered and enforced by EPA, in every State. Instead, EPA's goal is to assist States in establishing adequate State-run programs. However, in the absence of State interest in operating an UST program, EPA is required by law to operate a Federal program in such States, and will implement one. In the future, EPA will also develop UST programs on Indian lands through cooperative agreements with Indian tribes.

In FY 1987, OUST will work with the Regions to develop a strategy for a federal program in those States with no plans for a State program, and on Indian lands. During FY 1988, the Regions will

begin to implement a targeted Federal UST program, based on the strategy developed this year. Implementation of targeted Federal enforcement activities will be a priority effort in FY 1988.

#### Continue to Administer LUST Trust Fund Program

The Superfund Amendments and Reauthorization Act of 1986 amended Subtitle I of RCRA to establish a Leaking Underground Storage Tank (LUST) Trust Fund, which provides funds for corrective action and enforcement. Thus, designing Trust Fund procedures and beginning to allocate funds for either State or Federal clean-ups is a priority effort for FY 1987. Supplemental guidance will be issued during FY 1987 which will describe Trust Fund procedures and priorities. Headquarters offices, such as OARM, OECM, OGC and OERR, and the Regions will be very involved in program planning for the Trust Fund.

During FY 1987, the Regions will also be negotiating State cooperative agreements under the Trust Fund, and may carry out enforcement actions or conduct Federal emergency clean-ups, as necessary. Federal clean-ups are expected to occur only in a limited number of cases in which an imminent hazard is present. During FY 1988, the implementation of the Trust Fund by OUST and the Regions will continue to be a priority.

\* \* \* \* \*

There are two activities that were priorities in FY 1987 but will no longer be priorities in FY 1988: (1) implementation of notification requirements; and (2) enforcement of Interim Prohibition requirements.

#### Implement Notification Requirements

(-)

During FY 1987, notification continues to be a priority activity for the UST Program, and OUST and the Regions will continue to assist the States with notification activities. Regions will work with States to identify classes of non-compliers, and Regions and those States with appropriate authorities will be enforcing the Federal notification requirements as needed. States will be completing the initial processing of notification forms, and must (under a Congressional deadline of July 1987) submit to the Regions a summary of their State inventory of regulated tanks, based on notification data. OUST will provide a format for this inventory summary.

By FY 1988, the initial notification phase of the program should be complete. Notification data should be updated periodically by the States, but maintaining the State notification systems should now be considered a minor activity. Regional compliance monitoring and enforcement of the notification requirements will begin phasing out as State programs are approved and State enforcement is begun in FY 1988 and FY 1989.

Enforce Interim Prohibition Requirements

(-)

In FY 1987, compliance monitoring and enforcement during the Interim Prohibition phase is a priority activity. The Regions will develop grants and cooperative agreements with States to enforce Interim Prohibition requirements. OUST, working with OWPE, will develop enforcement guidance to support the Regions in implementing the Interim Prohibition. OSWER will establish an enforcement task force, co-chaired by OUST and OWPE and including representatives from OERR, OECM, OGC and the Regions, whose purpose is to set compliance monitoring and enforcement priorities for the implementation of Interim Prohibition requirements, and for the development of a new targeted Federal UST program, as previously discussed.

During FY 1988, compliance monitoring and enforcement of Interim Prohibition requirements will continue until final regulations become effective. Once final regulations are in place, the Interim Prohibition will cease to exist, and EPA will begin to enforce the new requirements under a targeted federal program.

2. Program Priorities

A. Prevent and Reduce Groundwater Degradation by Developing a National UST Program.

- OUST WILL:
1. Promulgate final regulations covering technical requirements and standards, financial responsibility requirements, and state program approval requirements.
  2. Provide technical guidance and assistance to regions, and information to the regulated community and the public.

- REGIONS WILL:
1. Begin the State program approval process, and assist States by providing review and comment on draft state applications.
  2. Provide assistance to states to encourage the development of adequate state programs that will be fully implemented over time.
  3. Begin implementation of a targeted federal UST program, enforcing new federal regulations as needed in the absence of state programs.
  4. Provide technical guidance and assistance to

States, and information to the regulated community and the public.

- STATES WILL:
1. Operate and enforce existing State UST programs in States with programs already in place.
  2. Develop or change State authorities or requirements for UST programs, in order to meet the new Federal standards.
  3. Develop draft applications for State program approval.
  4. Increase State funding match for grant to 25%, and for Trust Fund to 10%.

B. Clean up Leaking USTs by Implementing the Federal LUST Trust Fund.

- OUST WILL:
1. Continue to administer the LUST Trust Fund program.
  2. Develop methodologies and provide guidance for corrective action.

- REGIONS WILL:
1. Continue to negotiate and oversee State cooperative agreements under the Trust Fund.
  2. Continue minimal federal clean-up and enforcement activities, as needed, under joint direction of OUST and OERR. (Federal clean-ups are expected to occur only in a limited number of cases.)

- STATES WILL:
1. Conduct clean-ups financed by Federal Trust Fund, including enforcement actions, corrective actions, and cost recovery.

The following two charts summarize the priority activities, plus other somewhat less important activities, that will be expected of OUST, Regions and States, during FY 1987 and FY 1988.

It is our intent to communicate all FY 1988 priorities and goals for the Underground Storage Tank Program in this document. Publication of separate UST State Grant Guidance would thus be redundant and unnecessary. Information on grant amounts and allocation will be forwarded to the Regions under separate cover when that information becomes available. Regional Offices are responsible for negotiating grant agreements with States in order to ensure relevance of national guidance to individual State

situations, progress in State program development, and accountability for grant fund expenditures.

(o = on-going, + = new)

FY 87

Priority Activities	Other Necessary Activities
<p>HEADQUARTERS</p> <ul style="list-style-type: none"><li>o Propose regulations on schedule (i.e., tech. stds., state approval, &amp; financial responsibility).</li><li>o Design EPA's internal review process for state program approvals, &amp; train regional review teams.</li><li>o Complete the staffing and equipping of OUST, including a management information system.</li><li>+ Design trust fund procedures &amp; begin allocation of funds.</li><li>+ Develop strategy &amp; plan for federal UST program on Indian lands and in absence of state programs.</li></ul> <p>REGIONS</p> <ul style="list-style-type: none"><li>o Negotiate &amp; oversee state grants &amp; special projects</li><li>o Provide assistance to states to encourage applications for UST program.</li><li>+ Negotiate state coop. agreements under trust fund.</li><li>o Complete staffing &amp; equipping of the regions.</li><li>+ Conduct fed. emerg. clean-ups as needed (OERR lead)</li></ul> <p>STATES</p> <ul style="list-style-type: none"><li>o Operate &amp; enforce existing state UST programs.</li><li>o Develop state authorities &amp; funding mechanisms for new UST programs.</li><li>o Complete initial processing of notifications.</li><li>+ Submit required state inventory summary to EPA.</li><li>+ Submit cooperative agreements for LUST trust fund, and start some clean-ups and enforcement actions.</li></ul>	<p>HEADQUARTERS</p> <ul style="list-style-type: none"><li>o Complete study on exempt tanks.</li><li>o Develop technical guidance for regions and states.</li><li>o Support regulation development (e.g., logistics, analysis of comments, public hearings if needed).</li><li>o Provide communications support for priority activities.</li><li>o Review &amp; fund special projects of states.</li><li>o Develop FY 88 Operating Guidance &amp; grant guidance.</li><li>+ Develop review procedures for spec.projects &amp; contracts.</li><li>+ Develop ways to evaluate leak detection methods (ORD).</li><li>+ Develop training curriculum for tank installation.</li><li>+ Initiate Enforcement Task Force, develop enf. guidances.</li><li>+ Design required state inventory summary.</li><li>+ Develop guidance (w/OERR) for fed. clean-up activities.</li><li>o Conduct oversight of regional activities.</li></ul> <p>REGIONS</p> <ul style="list-style-type: none"><li>o Provide assistance to state &amp; local governments.</li><li>o Enforce Interim Prohibition &amp; notification requirements.</li><li>o Participate in regulation development.</li><li>o Provide outreach for public and industry, as needed.</li><li>+ Participate in designing trust fund program &amp; fed. UST program on Indian lands &amp; in absence of state program.</li><li>+ Establish operational regional reporting mechanisms.</li><li>+ Conduct enforcement under the trust fund.</li><li>o Oversee special projects &amp; contracts for UST.</li></ul> <p>STATES</p> <ul style="list-style-type: none"><li>o Participate in compliance monitoring &amp; enforcement referrals under Interim Prohibition.</li><li>o Provide outreach &amp; training for UST, as needed.</li><li>o Assist EPA w/ dev't of special projects &amp; contracts.</li><li>+ Provide technical assistance to promote proper tank installation.</li></ul>

(o = on-going, + = new)

FY 88

Priority Activities	Other Necessary Activities
<b>HEADQUARTERS</b> <ul style="list-style-type: none"><li>o Publish all three final regulations on schedule (or re-propose as necessary).</li><li>o Participate in state program approval process, &amp; train regional review teams as needed.</li><li>o Administer &amp; enforce the trust fund program.</li><li>o Provide guidance to regions, states and localities, and information to the regulated community and the public, as needed, to ensure effectiveness of other three priority activities.</li></ul>	<b>HEADQUARTERS</b> <ul style="list-style-type: none"><li>o Publish study on exempt tanks.</li><li>o Conduct public hearings on draft regs., if needed.</li><li>o Develop communications materials on final regulations.</li><li>o Support tank installation training activities.</li><li>o Develop FY 89 Operating Guidance &amp; grant guidance.</li><li>o Publish information on successful state pilots.</li><li>+ Decide on waivers to financial resp. requirements.</li><li>+ Support regional implem. of targeted fed. UST program.</li><li>+ Provide performance data on leak detection methods to support development of performance standards.(ORD)</li><li>+ Develop methodologies &amp; guidance for corrective action.</li><li>o Conduct oversight of regional activities.</li></ul>
<b>REGIONS</b> <ul style="list-style-type: none"><li>o Provide assistance to states to encourage applications for UST program.</li><li>o Negotiate &amp; oversee state cooperative agreements under the trust fund.</li><li>+ Begin reviewing draft state program applications and providing assistance.</li><li>+ Begin to implement targeted federal UST program.</li><li>o Conduct fed. emerg. clean-up as needed (OERR lead)</li></ul>	<b>REGIONS</b> <ul style="list-style-type: none"><li>o Provide information and outreach on final regulations and trust fund program to states, localities, the regulated community, and the public.</li><li>o Provide technical assistance to states.</li><li>o Enforce Interim Prohibition until regs. published.</li><li>o Oversee special projects &amp; contracts for UST/LUST.</li><li>o Enforce notification requirements until states are authorized to enforce them.</li><li>o Negotiate and oversee state grants.</li><li>+ Develop agreements with Indian tribes for UST programs, as appropriate under strategy for targeted federal program developed in FY 87.</li></ul>
<b>STATES</b> <ul style="list-style-type: none"><li>o Operate &amp; enforce existing state UST programs.</li><li>o Develop/change state authorities for UST programs to meet new federal standards.</li><li>+ Apply for state program approval.</li><li>o Increase state funding match for grant to 25%, and for trust fund to 10%.</li><li>+ Conduct clean-ups &amp; enforce under LUST trust fund.</li></ul>	<b>STATES</b> <ul style="list-style-type: none"><li>o Participate in compliance monitoring &amp; enforcement referrals under Interim Prohibition.</li><li>o Continue to process new notifications.</li><li>o Provide assistance to local gov'ts and others.</li><li>o Assist EPA w/special projects &amp; contracts for UST/LUST</li></ul>

## APPENDIX

### KEY SUPPLEMENTAL REGULATIONS/GUIDANCES

to be finalized during FY 1987

LUST Trust Fund Program Guidance: procedures and priorities, fund allocation, general program plan, etc.

State Program Approval Guidance: guidance on what constitutes an "approved" State program, and on what basis EPA will make that determination.

Enforcement Guidance on implementing Interim Prohibition requirement.

Strategy for implementing a Targeted Federal UST Program.

to be finalized during FY 1988

UST Technical Standards

Financial Responsibility for Underground Storage Tanks

UST State Program Approval

## APPENDIX

### KEY SUPPLEMENTAL REGULATIONS/GUIDANCES

<u>Document</u>	<u>Expected Publication (Final)</u>
Hybrid Closure Guidance	7/88
Clean Closure Guidance	9/87
RCRA Facility Assessment Guidance	12/87
Corrective Measures Guidance	4/88
Land Treatment Unit Closure Guidance	3/87
Land Disposal No Migration Petitioners Guidance	11/87
FY 1988 RCRA Implementation Plan	4/87
Guidance on Closure of Surface Impoundments by Removal or Decontamination	11/87
Alternate Concentration Limits Guidance	4/87
Land Disposal Restrictions Inspectors Checklist	3/87
Land Disposal Restrictions Enforcement Strategy	3/87
Interim Guidance on Public Involvement in Section 3008(h) Actions	3/87
RCRA Section 3008(h) Model Order	4/87
Enforcement Response Policy (revision)	TBA

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## OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

### I. EXECUTIVE SUMMARY

The 1988 Pesticides and Toxic Substances program guidance is designed to continue the same major program emphasis contained in the 1987 guidance. We will maintain the priority the Agency has assigned to reducing risks from pesticides, although we are making substantial changes in our approach to pesticide reregistration. We will continue to assign a high priority to the toxic substances program, although we are no longer assigning superordinate priority to the existing chemicals program but are giving equal priority to the new and existing chemicals programs. Finally we have added to the 1988 guidance the program objectives and key activities necessary to carry out the requirements of the Superfund Amendments and Reauthorization Act (SARA) Title III community right-to-know and emergency planning amendments and the recently enacted Asbestos Hazard Emergency Response Act.

The 1988 pesticides reregistration program will involve a significant redirection of effort and change in process in order to accelerate the acquisition of complete, scientifically acceptable data bases supporting the reregistration of existing pesticides. Currently, only selective data are called-in prior to development of a registration standard. These data usually require a long time to develop and/or are of special interest, such as that associated with groundwater contamination. Existing data are reviewed in detail for adequacy and all missing or inadequate studies are called-in when the registration standard is developed.

Under the new process, all data will be called-in before we begin development of a registration standard, including replacements for data which may be in EPA files but are inadequate by current standards. A major feature of the revised data call-in program will be evaluation by registrants of the adequacy of existing data and research information. This evaluation will be performed under EPA oversight and guidance. Using the regulated industry to perform some parts of the review, and calling-in all missing or inadequate data before a final registration standard is developed, will speed review of the universe of pesticide active ingredients and permit a more efficient process.

In the toxic substances program, we are assigning equal priority to the new chemical review and existing chemical programs. Sustained growth in the number of new chemical submissions, and continuing recognition of the value of section 5 of TSCA in allowing EPA to assess and control risks of chemicals before they enter the marketplace, led us to this change. The number of chemical submissions grew from 1,774 in 1985 to over 2,100 in 1986 with 2,600 expected in 1988. This growth caused us to make a substantial resource shift in 1987 from the existing chemical review program to the new chemical review program.

Activities under Title III of the Superfund Amendments and Reauthorization Act will be started in 1987 and continued in 1988. Principle headquarters activities will include continuing to meet the section 313 toxic emissions inventory requirements and revising criteria for identifying extremely hazardous chemicals. Regional activities will involve assistance to manufacturers in reporting hazardous chemicals and assistance to States and communities in interpreting information reported and in preparing emergency response plans. In 1988 we will also begin an enforcement program to ensure that many activities comply with the reporting requirements of Title III of SARA.

The Asbestos Hazard Emergency Response Act (AHERA), signed by President Reagan on October 22, 1986, will accelerate efforts to reduce asbestos hazards in schools. EPA must promulgate a series of regulations by October 1987 which provide a framework for addressing asbestos hazards in schools. In 1988, after the new rules are established, the Agency will help States implement accreditation programs for contractors, inspectors and abatement planners, and will assist schools to develop and implement adequate asbestos management plans.

Existing asbestos technical assistance and direct support activities will be modified to assist States to meet the requirements of the Asbestos Hazard Emergency Response Act. The modifications will include the development of new guidance documents, enhanced technical counseling in the Regions, improved training through asbestos information centers, and grants to States for inspector certification programs.

Aside from new requirements arising from the SARA Title III amendments and the Asbestos Hazard Emergency Response Act, there are no major changes to the guidance as it pertains to regional and State programs. In the pesticides program we will continue the priority we assign to strengthening regional and State programs, particularly by building more technical capability to address complex issues such as groundwater contamination (addressing interim results of the groundwater survey). Revised Worker Protection Standards will be effective in 1988 and both the States and regions will be mounting education programs to make growers and farmworkers aware of the provisions of the new rule. We will also continue, of course, the high priority we assign to reviewing and revising State pesticide applicator certification and training programs. We anticipate completing the review of certification programs in 1987. In 1987 and 1988 after discussion between the States and Regions, certification plans and programs will begin to be revised; in 1988 the regions will begin to review State certified applicator training programs.

## II. PESTICIDES GUIDANCE

The pesticides Program will continue to emphasize the reduction of risks through the Generic Chemicals Review program, of existing pesticides. In 1988 we will move to accelerate the review of in use pesticides, largely through the initiation of a comprehensive data call-in program that will provide more nearly complete data bases when registration standard development begins.

### A. Program Goal: Protect Health and the Environment from Any Unreasonable Adverse Effects from Pesticides Currently in Use.

The principal programs in this area are Data Call-In, Registration Standards, Special Reviews, pesticides applicator Certification and Training, and State and regional enforcement to reduce pesticides misuse. The Data Call-In program, by which existing pesticides data bases are updated to meet today's standards, will undergo a major shift in 1988 to calling-in all data required to evaluate in-use pesticides, rather than depending upon the registration standard process to initiate the development of most such data. The 1988 program includes continued development of Registration Standards, review of studies submitted in response to data call-in and earlier registration standards, and completion of Final Regulatory Standard and Tolerance Reassessments (FRSTRs). The 1988 program also includes Special Reviews of the risks and benefits of pesticides suspected of causing unreasonable adverse effects on human health and the environment. The need for Special Reviews may be identified during the establishment of a registration standard, during review of called-in data, during review of data supporting applications for the registration of new chemicals, during the revision of existing registrations, or by referrals from other sources. Pesticides Certification and Training will be given greater emphasis in 1988 as will Pesticides Enforcement.

### 1. Program Objective: Continue the review of previously registered chemicals currently being used.

#### a. Key Program Activities:

- (1) During 1987, the in-use pesticides review and reregistration program will develop procedures to call-in all data required to evaluate comprehensively existing pesticides before registration standard development begins. (Currently data call-in is used to call-in selective data, principally data requiring a long time to develop and data of special interest, -  
\* such as that associated with groundwater contamination.) A major feature of the comprehensive DCI program will be evaluation by registrants of the adequacy of existing data bases -- with EPA oversight and guidance. The new DCI program will be developed in 1987 and in operation in 1988. (HQ)

- (2) The Registration Standard program will produce both interim registration standards (in current format including data requirements) and Final Regulatory Standards and Tolerance Reassessments (FRSTRs) after data bases are complete. The number of each type to be produced will depend upon the availability of complete data bases, and the need to produce interim standards for special cases such as worker protection problems. (HQ)
- \* (3) We will continue the program begun in 1986 to improve the rate of compliance with registration standard data and label requirements, with Headquarters issuing suspension and cancellation notices for enforcement by the regions and States. (HQ/RGNS)
- (4) In 1988, the product chemistry data called-in during 1987 will yield data that requires evaluation to develop an up-to date data base essential for regulating inerts, impurities, and contaminants (e.g., dioxin and DDT) of toxicological concern in pesticides. (HQ)
- (5) The current strategy to review selected inert ingredients of toxicological concern in new and existing pesticide active ingredient will be continued in 1988. (HQ)
- (6) Studies generated by Data Call-In and required by Registration Standards will continue to be reviewed as received in 1988 if they meet the criteria for early review:
- product chemistry and acute toxicity data necessary to approve label changes
  - tiered test data
  - data flagged in accordance with flagging criteria imposed by EPA or submitted in accordance with the adverse effects provision of FIFRA § 6(a)(2) which requires registrants to report information indicating potential adverse effects.
  - studies identified during the establishment of a standard as critical to resolving a health or safety problem.
- The Agency will rigorously enforce the 6(a)(2) provision. (HQ)
- (7) The sampling and analysis phase of the survey to sample pesticides in groundwater, designed in 1986 and begun in 1987, will be essentially complete in 1988. This statistically based, stratified survey for about four dozen pesticides is
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being supported by both the Office of Pesticide Programs and the Office of Drinking Water. The regions will help gather pesticide usage and groundwater vulnerability data, and develop communication strategies concerning the results of the survey. (HQ/RGNS)

- (8) Headquarters will continue to develop measures to prevent groundwater contamination by pesticides and will pass these measures on to the regions. The regions will provide this information to the States and aid them in educating users as to the proper use of pesticides with groundwater restrictions. Whenever studies of groundwater problems unique to a geographic area are conducted by headquarters, the regions and States will be involved. (HQ/RGNS)
- (9) Work will continue in accordance with the National Pesticide Monitoring Plan to develop further a national information clearinghouse on pesticide monitoring activities and to provide guidance to the monitoring community on priority pesticide monitoring needs. A computerized data bank will be developed in 1987 to capture monitoring activities' characteristics. The regions will be asked to canvas their States to provide data for forming the data bank. (HQ/RGNS)

- 2. Program Objective: Restrict or ban the use of pesticides posing unreasonable adverse effects to human health and the environment.

In approximately 25% of the Registration Standards established to date, public health or environmental problems have been identified requiring the comprehensive evaluation of pesticide risks and benefits through the Special Review process. Candidates for Special Review are also identified in the course of reviewing data submitted in response to data call-in or registrations standards, data supporting applications for the registration of new chemicals or for the revision of existing registrations, or by referrals from other sources.

a. Key Program Activities

- (1) Special Reviews initiated in 1988 will continue to employ revised risk criteria that more realistically reflect actual exposure and hazard. Opportunity will be available for public participation in the evaluation process. Formal hearings are expected to be required on proposed Agency cancellation/suspension actions on suspect chemicals. (HQ/RGNS)

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- (2) Where feasible, alternatives to cancellation for mitigating unreasonable risk will be pursued, such as restriction to use by certified applicators, modifications to the terms and conditions of use, improved pesticide labeling (e.g., requirements for protective clothing and equipment, reentry intervals, warnings, directions for emergency treatment, etc.) to reduce risk. The Agency will also promote use of closed-system containers, childproof packaging, and safe container disposal practices. (HQ)
  - (3) In 1987, EPA will develop a Management Action Plan for Indemnification and Disposal of Pesticides. This plan will include specific instructions for named pesticides and generic instructions for future pesticides disposal situations. This plan will be implemented in 1988. (HQ/RGNS)
  - (4) The Special Review process will continue to focus on review of clusters of similar use pesticides such as wood preservatives, termiticides, and grain fumigants, when appropriate. We will also begin to examine the problem of stimulating industry innovation in high-risk classes such as fungicides. (HQ)
  - (5) The program will cooperate closely with the Toxic Substances program on high priority chemicals where TSCA data may be available or TSCA data gathering authorities may be useful, such as certain inert ingredients used in pesticides. (HQ)
3. Program Objective: Reduce the incidence of pesticide misuse.
- a. Key Program Activities:
- (1) In 1988, all States will observe the top national pesticide use priority of enforcement of suspension and cancellation actions. In addition, the Regions will direct the States to consider other high-priority use areas, such as groundwater contamination, chemigation, aerial drift, and the proper use of restricted use pesticides such as wood preservatives and 1080 collars, when utilizing the formal priority-setting process that establishes enforcement priorities within each State. The Regions will encourage the States to increase the level of such use inspections (at the expense of other types of inspections, such as marketplace surveillance), conducted under Federal/State cooperative enforcement

agreements. The Regions will receive additional resources in 1988 to provide technical support to the States and the regulated community in use areas such as those noted above. Where appropriate, the Regions will promote coordination between agricultural and environmental agencies in their States in the area of pesticide use. (RGNS)

- (2) State applicator certification/recertification and training programs will be strengthened with greater financial support, by updating State applicator certification plans, by reviewing State training programs, and by assisting in the development of new or revised training materials, especially in specific areas where such training materials do not exist or are inadequate. Information on existing State fee programs for certification and training will be distributed as one way of encouraging State fee systems. (HQ/RGNS)
- (3) The Agency will determine how regulations need to be amended to clarify issues such as "maintaining an applicator's competency". (HQ/RGNS) +
- (4) Federal oversight of State programs will be maintained to assure nationwide consistency in the pesticide compliance monitoring program, and to ascertain whether timely and appropriate enforcement action is being achieved. The current FIFRA penalty policy will be revised. (HQ/RGNS).
- (5) The Agency will operate Federal compliance monitoring and enforcement or certification and training programs in instances where States are unwilling or unable to conduct their own programs. (RGNS)
- (6) Federal case development support will be maintained for referrals of State enforcement actions and in EPA-operated maintenance programs. (RGNS)
- (7) The Agency seeks to integrate criminal enforcement into the overall compliance monitoring/enforcement programs. Accordingly, regions should identify and refer to the Office of Criminal Investigation (OCI), cases or

incidents that concern knowing/willful violations resulting in injury to human health or major environmental harm, that involve egregious repeat offenders, or that involve data fraud or pesticide misuse. These cases are further limited to those which occur in States for which EPA has primary enforcement responsibility, or which are referrals from States. Activities to integrate the programs should include cross-referrals within the regions between OCI and the program office. The regions will also provide technical and program support to criminal investigations and prosecutions, as necessary. (RGNS)

- (8) Revisions to the FIFRA and TSCA Enforcement System (FATES), which contains all enforcement data, will be continued, with input from the Regions, to increase its efficiency and usefulness. (HQ/RGNS)
- (9) Small business outreach efforts will be continued in the area of compliance with FIFRA. (HQ/RGNS)
- (10) We will develop cooperative enforcement and certification and training programs with Indian Tribes to address problems of pesticide use and misuse. (HQ/RGNS)
- (11) EPA will maintain, principally through the Federal/State cooperative enforcement agreements, compliance monitoring programs at Federal facilities. OPTS will implement the new Federal Facilities Compliance Strategy, when it becomes final, by providing appropriate technical assistance and taking action when violations occur at Federal facilities. The Regions will cooperate with their respective Regional Federal Facilities Coordinators by providing information and reports on their Federal facility compliance monitoring programs. (HQ/RGNS)

4. Program Objective: Conduct research and develop methodologies to support existing pesticide risk reduction efforts.

a. Key Program Activities:

- (1) The research program will emphasize the development of methodologies and techniques needed to evaluate health and environmental risks associated with existing pesticides. These important tools are critical to both the testing and regulation of existing pesticides. (HQ)

- (2) Models for evaluating environmental concentrations of pesticides and for determining health risks will continue to be developed and validated. Hazard assessment methodologies which are critical in risk analysis of chemicals will also be developed. (HQ)

B. Program Goal: Prevent Unreasonable Risks From New Pesticide Active Ingredients And Products And Encourage Use of Safer Products (New Or Old).

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA) provide for Agency control of the terms and conditions under which new pesticides may be legally used in the United States, through pre-market reviews of their potential human and environmental effects. Registrations permit pesticide use under specific limitations, and Tolerances specify maximum pesticide residues permitted on food and feed products. Exceptions may be made to registration requirements under the Special Registration program which provides for unregistered uses for experimental purposes or in emergency situations, and for registrations by the States for special local needs.

1. Program Objective: Provide careful review to assure that new pesticides do not add unreasonably to total risk.
  - a. Key Program Activities:
    - (1) The program will continue to be alert for applications for new chemical or new use registrations which indicate a possible need for intensive risk/benefit analysis. Agency forums such as the Scientific Advisory Panel will be used to review difficult science issues. (HQ)
    - (2) Current monitoring efforts will be redirected to focus more effectively on special problems such as groundwater contamination, and guidance for monitoring, predicting, and preventing pesticide contamination of groundwater will be provided to registrants. (HQ)
    - (3) Methodologies for assessing risks posed by new products of biotechnology will continue to be refined in 1988. (HQ)
    - (4) The safety of farm workers and families will continue to be promoted. A Notice of Proposed Rulemaking for Worker Protection Standards will be published in 1987 and a final rule promulgated in 1988. The regions and

States will assist in the dissemination of education materials to make growers and farmworkers aware of the provisions of the new rule. State grant guidance will contain priorities for enforcing the new rule. (HQ/RGNS)

- (5) In support of the Agency's goal of pesticide safety, the program will undertake to expedite the availability of fundamentally new products to displace riskier, older products. (HQ)
- (6) Integrated Pest Management (IPM) technology will be encouraged, and where appropriate, IPM alternatives will be considered in risk/benefit decisionmaking. (HQ)
- (7) Improvements in information management and automation support will continue in 1988, with the goal of supporting pesticide program decision making with rapid and comprehensive access to relevant information, and more efficient processes for creating, storing, using and updating important regulatory decisions and supporting technical assessments. Changes to data base systems and content will address regional as well as headquarters needs. These improvements will also provide the public with more meaningful information on the properties and effects of pesticides. (HQ)
- (8) Internationally consistent pesticide tolerances, and greater efficiency in the use of resources expended in tolerance-setting will be sought through the Codex Alimentarius program of the U.N. World Health Organization. (HQ)
- (9) New approaches to the protection of endangered species and other wildlife from pesticide hazards, initiated in 1987, will be continued. One approach under consideration would rely on generic labeling and the use of bulletins distributed by field operations of USDA and Interior Department agencies. The bulletins would provide detailed instruction on the conditions under which pesticides are prohibited as a result of concern for endangered species. A plan for gathering ecological effects monitoring data from existing State and Federal programs is being developed. The pesticides program will also continue to work to develop requirements for ecological monitoring by registrants. (HQ)

- (10) Experimental use permits, emergency exemptions and special local need registrations issued under Sections 5, 18 and 24(c) of FIFRA respectively, will be monitored to prevent unwarranted circumvention of Section 3 registration requirements. Headquarters will provide the lead in monitoring, such as audits of State activities, with support provided by the regions as appropriate. (HQ/RGNS)
2. Program Objective: Insure the integrity of data submitted to EPA.
    - a. Key Program Activities:
      - (1) The Agency will perform both full-scale audits of a sample of completed test studies that have been submitted to EPA and in-process audits of studies being conducted. (HQ)
      - (2) Ensuring compliance with Good Laboratory Practice (GLP) requirements is a high priority for the Agency. In cooperation with FDA, Regions II, III and V will perform GLP inspections at testing facilities. Headquarters (NEIC) will perform GLP inspections in other regions. (HQ/RGNS)
      - (3) We will implement the mandatory Agency-wide Quality Assurance (QA) program which ensures that all environmental measurements are of known and documented quality and meet the requirements established by the responsible office or laboratory. Each program office, region, and EPA laboratory must maintain a QA program consisting of a QA program plan and appropriate updates, Data Quality Objective (DQO's) for specific environmental data-generative activities, and QA Project Plans for all monitoring projects; and must provide for periodic audits to assess compliance with approved QA plans. (HQ)

### III. TOXIC SUBSTANCES GUIDANCE

The 1988 Toxic Substances program will continue to emphasize the reduction of risks to public health and the environment through a program of review and regulation of both existing and new chemicals in conjunction with regional and State implementation in the field. New to the toxic substances guidance in 1988 are program goals and objectives to carry out the requirements of Title III of the Superfund Amendments and Reauthorization Act (SARA) and the recently enacted Asbestos Hazard Emergency Response Act.

#### A. PROGRAM GOAL: Prevent Risks From New Chemical Substances

\* In 1988, EPA will operate a careful but efficient premanufacture review program that is responsive to the workload demands generated by industry's submission of notices. These new chemical reviews will be coordinated with other programs to ensure that decisions under TSCA are consistent with policy across the Agency and that future environmental problems (e.g., air, water, or disposal) are effectively prevented. New actions to be implemented in 1988 include biotechnology rulemakings, a user fee rule and a comprehensive hazard based significant new use rule.

1. Program Objective: Subject all new chemicals to a meaningful review, taking action on those that pose an unreasonable risk.

##### a. Key Program Activities:

- (1) EPA will conduct reviews on all new chemical notices within the respective statutory deadline, including any notices for biotechnology products that fall under TSCA's purview. We will take prompt action on new chemicals which present unreasonable risks. (HQ)
- (2) The new chemical review process will continue to include attention to all media concerns so that future environmental problems can be prevented, and will continue to identify new chemicals that meet the Agency's acute hazards criteria and thus should be subject to reporting under Title III of SARA. (HQ)
- (3) A new rule implementing a fee for reviewing new chemical notices will take effect in 1988. The rule will propose a fee of \$100 for PMNs submitted by small business concerns and for PMNs qualifying for low volume and test market exemptions. All other PMNs will have a fee of \$2,500. (HQ)

2. Program Objective: Protect society from potential risks which may occur from biotechnology.

a. Key Program Activities:

- (1) The biotechnology rulemakings to establish review and reporting procedures under TSCA will be implemented. They will require under section 8, the reporting of releases of living organisms; under section 5, review of any significant new uses for pathogens; and, under section 5(h)(3), definition of research and development for exemption purposes. (HQ)
  - (2) EPA will work through the regions to ensure that State and local agencies are aware of biotechnology pre-manufacture issues relevant to their areas. The sharing of biotechnology PMN data must be consistent with TSCA CBI procedures. (HQ/RGNS)
3. Program Objective: Protect society against risks which may develop as new chemicals are commercialized.

a. Key Program Activities:

- (1) During 1988 the emphasis on putting in place more efficient follow up mechanisms will continue. The general hazard-based criteria Significant New Use Rule (SNUR) will be promulgated in 1988. New chemicals which meet the criteria will be automatically added to the list of those for which SNUR procedures must be followed (i.e., reporting to EPA before the chemical is manufactured in greater quantities than originally planned or for significant new uses). (HQ)
- (2) Implementation of the acrylate category SNUR and the acrylate listing SNUR will also enhance the efficiency of the follow-up program. The acrylates category SNUR will establish protective equipment and record-keeping requirements for all new acrylate substances produced after the rule is promulgated. The acrylates listing SNUR will establish these same requirements for new acrylate substances that have already undergone PMN review or new acrylates that do not meet the criteria.
- (3) We will continue to issue chemical specific significant new use rules, when warranted, to require notification of EPA if the chemical is to be used in a different manner than described in the PMN. (HQ)

B. PROGRAM GOAL: Reduce Significant Risks from Existing Chemicals

\* The 1988, we will maintain a strong Existing Chemicals program. Changes in the approach to existing chemical problems will include frequent senior level involvement in existing chemical reviews to focus resources on the most significant problems, continued coordination with other offices and other agencies to facilitate integration of related actions, and continuation of the chemical category approach. The program will be focused toward intermedia chemical problems where TSCA authorities, TSCA data, and staff expertise can be effectively applied to priority Agency existing chemical problems.

1. Program Objective: Identify and evaluate the potential risks of suspected existing chemicals.

- (1) In 1988, the program will provide information to other EPA offices, States, and other agencies, as a result of the Comprehensive Assessment Information Rule (CAIR) and inventory update reporting. Under the CAIR rule, manufacturers are required to report various types of information for specific chemicals. Chemicals may be added quickly to the list by publishing a Federal Register Notice. In addition, the program will continue to screen incoming data from section 4 test rules, section 8 reporting and other sources (like the new chemicals program) to highlight information that requires more detailed review. Incoming data will be routinely disseminated to other EPA programs, States and other agencies. (HQ/RGNS)
- (2) The program will continue to address petitions under TSCA section 21, taking steps to keep regions and other interested groups abreast of TSCA actions. (HQ/RGNS)
- (3) Section 4 test rules will address Interagency Testing Committee (ITC) designations but will also continue to respond to critical data needs of EPA programs. (HQ)
- (4) Baseline and trend data on human exposure to chemicals will be made available to other program offices, States and other agencies when requested. These data are developed through the National Human Monitoring Program (NHMP) which includes the Adipose Network and a Blood Network. Data from these networks will be used to identify chemicals for Section 4 test rules, to develop baseline/trend data necessary to support regional and State evaluation of local concerns, to set priorities for existing chemical assessments, and to monitor

environmental results. (HQ/RGNS)

2. Program Objective: Initiate and promulgate regulatory actions under TSCA to reduce risks to human health and the environment from existing chemicals. (Risk management actions on PCBs and asbestos are addressed under separate objectives).

a. Key Program Activities:

- (1) In 1988, approximately 10 risk management actions are planned. Risk management actions include section 6 rules, section 9 referrals, section 5 significant new use rules and chemical advisories. The regions will serve on workgroups, as appropriate to ensure that their issues are addressed. (HQ/RGNS)
- (2) The regulatory investigation of risks associated with exposure to formaldehyde emissions from wood products used in the construction of mobile and conventional homes will be completed. Regulatory options for reduction of risk are being developed in consultation with other EPA programs, regional offices, HUD and CPSC. (HQ/RGNS)
- (3) OPTS, in consultation with other EPA program offices, the regions and other Federal agencies, developed a crossmedia strategy for addressing exposure to methylene chloride and several other chlorinated solvents. We will assess control measures from several Agency statutes, including TSCA. (HQ/RGNS)

3. Program Objective: Initiate and promulgate regulatory actions under TSCA to reduce risks to human health and the environment from PCBs.

a. Key Program Activities:

- (1) OPTS will implement the PCB Spills Clean-up Policy Statement establishing nationwide standards for PCB cleanup operations when PCBs have been illegally disposed of by spill, leak or other uncontrolled discharge. In addition, PCB recordkeeping amendments to require maintenance of PCB clean-up records will be put in final form. (HQ)

- (2) OPTS will put in final form amendments to the 1984 PCB rule which covers inadvertently generated or uncontrolled PCBs in response to a consent agreement to resolve the judicial challenge. (HQ)
- (3) In accordance with a consent agreement, OPTS will put in final form amendments to the PCB transformer fires rule which places restrictions on continued use of PCB transformers. (HQ)
- (4) OPTS will continue review of PCB exemption requests. Exemptions from prohibitions may be granted where they will not pose an unreasonable risk to health or the environment and have met the good faith efforts test to find a substitute for PCBs in the activity. (HQ)

4. Program Objective: Insure integrity of data submitted to EPA.

a. Key Program Activities

- (1) We will perform full-scale audits of completed test studies that have been submitted to the Agency and in-process audits that are being conducted. (HQ)
- (2) Ensuring compliance with Good Laboratory Practices (GLP) requirements is a high priority for the Agency. In coordination with FDA, the regions and headquarters will perform (GLP) inspection at testing facilities. (HQ/RGNS)
- (3) We will implement the mandatory Agency-Wide Quality Assurance (QA) program which ensures that all environmental measures are of known and documented quality and meet the requirements established by the responsible office or laboratory. Each program office, region, and EPA laboratory must maintain QA programs consisting of a program plan and appropriate updates, Data Quality Objectives (DOO's) for specific environmental data-generative activities, and QA Project Plans for all monitoring projects, and must provide for periodic audits to assess compliance with approved QA plans. (HQ/RGNS)

5. Program Objective: Conduct research and develop methodologies to support existing chemicals risk reduction efforts.

a. Key Program Activities:

- (1) The research program will emphasize the development of methodologies and techniques needed to evaluate health and environmental risks associated with existing chemicals. These important tools are critical to both the testing and regulation of existing chemicals. (HQ)
- (2) Short-term testing will be conducted to fill critical data gaps for regulatory decision making on important chemical classes. (HQ)
- (3) We will continue to develop assessment methodologies based upon structural characteristics and physical-chemical properties. These will be used to screen classes or categories of both new and existing chemicals for potential risks and to prioritize chemicals within a category. (HQ)
- (4) The research program will continue to develop models to define exposure pathway for toxic chemicals; methods to extrapolate data from animals to humans; and models and methodologies for predicting quantitatively the toxic activity of chemicals. (HQ)
- (5) Finally, data and models will be developed to predict the release of and exposure to new and existing chemicals via research in environmental engineering and technology. (HQ)

6. Program Objective: Improve compliance with all toxic substances regulations.

a. Key Program Activities:

- (1) Because of confidential business information concerns the Agency will continue to have the responsibility to conduct Federal compliance monitoring programs for TSCA section 5, 8, 12, and 13. Compliance with TSCA section 6 and future activities under the Asbestos Hazard Emergency Response Act will continue to be a joint responsibility of EPA and the States. (RGNS)

- (2) Hazard assessment and information collection inspections under TSCA section 5 and 8 will be conducted by regions and/or headquarters (NEIC). (HQ/RGNS)
- (3) EPA will continue to provide Federal case development support for all enforcement actions, including those resulting from State inspection activity (until the enactment of State laws). Enforcement and litigation priorities will include laboratory data cases, PMN cases, and PCB disposal. In cases involving settlement with conditions, the regions will insure the conditions are met. (RGNS)
- (4) Federal PCB inspections will decrease by approximately 20% in 1988. Resources saved will be shifted to PCB case development to help eliminate the case development backlog. (RGNS)
- (5) The Agency seeks to integrate criminal enforcement into the overall compliance monitoring/enforcement programs. Accordingly, Regions should identify and refer to the Office of Criminal Investigation (OCI) cases or incidents that concern knowing/willful violations resulting in human death or major environmental harm, that involve egregious repeat offenders, or that involve data fraud. Activities to integrate the programs should include cross-referrals within the regions between OCI and the program office. The regions will also provide technical and program support to criminal investigations and prosecutions, as necessary. (HQ/RGNS)
- (6) Compliance assistance will receive continued attention in 1988. Compliance assistance involves alerting the regulated community (including Federal facilities) of EPA regulatory actions, and providing advice and direct assistance to industry in its efforts to comply with TSCA rules. These tasks are particularly important between the time EPA issues a proposed or final rule and the time a final rule becomes effective and enforceable. Outreach and

interaction before EPA begins compliance monitoring for a new rule will increase the capacity of industry to comply and result in more effective use of EPA compliance monitoring resources. (RGNS)

- (7) Headquarters, with input from the regions, will continue to revise the FIFRA and TSCA Enforcement System (FATES) to increase its efficiency and usefulness. (HQ)
- (8) EPA will continue to send draft enforcement response policies, compliance monitoring strategies, and inspection guidance to the Regional Offices and, as necessary, to the States, for comment before publication. (HQ/RGNS)
- (9) We will continue to emphasize small business compliance issues in developing TSCA compliance monitoring strategies. (HQ/RGNS)
- (10) EPA will conduct compliance monitoring programs at Federal facilities. OPTS will implement the new Federal Facilities Compliance Strategy, when it becomes final, by providing appropriate technical assistance and taking action when violations occur at Federal facilities. The regions will cooperate with their respective Regional Federal Facilities Coordinators by providing information and reports on their Federal facility compliance monitoring programs. (HQ/RGNS)
- (11) We will actively participate in regional reviews of Federal facility A-106 pollution abatement plans and provide comments on Federal agency projects proposed for the toxic substances program. Comments will focus on project adequacy in terms of engineering timing, cost, and overall impact on the environment if not funded. The regions will conduct these reviews in accordance with instructions provided by their respective Regional Federal Facilities Coordinator. Regional program staff will coordinate their comments with program counterparts in the States during the initial review period (i.e., January-March). The regions will also assist the Regional Federal Facilities Coordinators in identifying Federal facilities that fall within the toxic substances program priority areas selected annually for the A-106 process by the Headquarters program office. (HQ/REGNS)

B. PROGRAM GOAL: Address Hazards from Asbestos

In 1988, the Asbestos Action Program will continue to emphasize technical assistance to schools. Action will continue under the Asbestos Hazards Emergency Response Act to assist local education agencies in asbestos inspection, control and abatement. Grants to states for asbestos inspection certification will be initiated.

1. Program Objective: Strengthen the asbestos-in-schools and public and commercial buildings program.

- a. Key Program Activities:

- (1) Technical assistance activities will be continued. Activities include (1) operation of the TSCA Assistance phone line, (2) guidance to school officials and public and commercial building owners and managers, and (3) dissemination of information materials. The role of the Regional Asbestos Coordinators and inspectors, hired under the American Association of Retired Persons (AARP) Senior Environmental Employment Program, will continue as an integral element of the technical assistance program as they provide assistance on both abatement and compliance issues. (HQ/RGNS)
- (2) Five Regional Training and Information Centers were established in 1985 and 1986 to provide information concerning the identification and abatement of asbestos hazards and to educate and train people in proper asbestos identification and abatement techniques. The centers will be operated in 1988, with two receiving a final allotment of Federal funds. (HQ/RGNS)
- (3) EPA grants to states for contractor certification programs will shift to inspector and perhaps school management plan developer accreditation programs in 1988. These programs help ensure adequate training qualifications and certification of those involved in asbestos hazard identification, assessment and abatement. (HQ/RGNS)
- (4) Compliance with the worker protection rule for public employees not covered by the current OSHA rule will continue to be a major priority in 1988 for both the regions and the contractor. We also anticipate that inspection activities will be directed toward compliance with the contractor certification requirements imposed

by Congress through the ASHAA program, asbestos abatement worker training rules to be proposed by OSHA and EPA, and the requirement of the recently enacted Asbestos Hazard Emergency Response Act (AHERA). Wherever TSCA enforcement cooperative agreements are in place, the States will conduct compliance monitoring inspections in support of the asbestos worker protection rule. (RGNS)

- (5) The Agency will promulgate the Section 6 rule to ban certain asbestos products and to phase out the use of asbestos in other products over a 10 year period. The final rule will address the extensive comments raised on the proposed rule. Publication is planned in June 1988. (HQ)
  - (6) We will continue to refine guidelines to assist the public in identifying those situations in which asbestos containing materials present a serious risk. (HQ)
  - (7) Field studies to examine the efficacy of various asbestos abatement technologies, and the feasibility of air monitoring before, during, and after abatement will continue in 1988. Because of the insidious environmental characteristics of asbestos, control technologies must be thoroughly investigated prior to public recommendation or endorsement by EPA. (HQ/RGNS)
  - (8) Monitoring and field follow-up will be required for 1986 and 1987 school asbestos abatement projects which received loans and grants under the Asbestos School Hazard Abatement Act. (HQ/RGNS)
2. Program Objective: Implement the provisions of the Asbestos + Hazard Emergency Response Act (AHERA).

While most of the action required of EPA by AHERA will take place in fiscal year 1987, a number of activities will continue in 1988.

a. Key Program Activities

- (1) EPA will promulgate by October 22, 1987 AHERA regulations on asbestos inspections, circumstances which require response actions, appropriate response actions, the implementation and completion of these actions, periodic surveillance, operations and planning by schools. (HQ)

- (2) EPA will assist the States and local education agencies (LEAs) in implementing new regulatory standards on asbestos inspection, control and abatement in schools to reduce or eliminate asbestos hazards. (HQ/RGNS)
- (3) EPA will assist the States as they implement accreditation programs, developed from EPA model plans, for asbestos contractors, inspectors and management plans submitted to them by individual schools. (HQ/RGNS)
- (4) EPA will provide technical assistance to help LEA's develop appropriate asbestos management plans by 1989 and to complete them in a timely manner. (RGNS)
- (5) EPA will complete, by October 1987, a study of asbestos hazards in public and commercial buildings and recommend what AHERA school rules, if any, should also be applied to these buildings. (HQ/RGNS)
- (6) EPA will provide an interim report to Congress on the availability of liability insurance for schools and contractors by April 1, 1988 with a final report due October 1, 1990. (HQ)

D. PROGRAM GOAL: Support Agency Priorities Under Other Statutes

The TSCA program will be more focused on intermedia problems where TSCA authorities, data, and chemical expertise can assist the Agency in making regulatory decisions under other statutes. This means we will place a strong emphasis on working jointly with others to achieve coordinated regulatory and enforcement strategies on priority cross media problems as well as on educating others as to the features of TSCA, the data and staff expertise that can be effectively used to accomplish integrated approaches to complex chemical problems.

1. Program Objective: Continue to assist others in assessing chemical risks

a. Key Program Activities:

- (1) The Chemical Assessment Desk project will be continued in 1988. The Chemical Assessment Desk provides consultation to EPA program offices, regional offices, and other Federal agencies on chemical toxicity and exposure potential. Responses to questions are based on available OTS information and evaluations plus information from other EPA programs. The Chemical Assessment Desk essentially operates as a central point for obtaining all information currently known about a chemical. At the end of 1986, the pilot project included regions 1, 4, 8, and 9. (HQ/RGNS)

- (2) Regions will work with their counterparts in other media offices to ensure that TSCA information gathering authorities are used to their fullest to support other program initiatives. Every effort will be made to use TSCA authorities in a manner which increases the regions overall effectiveness. The toxics staff will promote this through outreach activities within the regional office. (RGNS)
  - (3) OTS will provide rulemaking support and data analyses for the approximately 50 inert substances. This action supports the OPTS inerts strategy. (HQ)
  - (4) The Graphical Exposure Monitoring System (GEMS) will continue to be used throughout EPA, other agencies, some States and Canada during 1988. GEMS is an interactive computer system used to estimate a chemical's properties and environmental fate from the structure of organic molecules. GEMS has been demonstrated to all regions and most regions have established user accounts so they can more readily use GEMS to assess local situations. (HQ/RGNS)
  - (5) We will continue to use the structure activity relationship (SAR) technique developed by OTS to predict a chemical's toxicity for other programs. SAR is a good screening tool when data on the chemical are not available. (HQ)
2. Program Objective: Assist the public and educate other offices as to TSCA requirements and features
- a. Key Program Activities:
- (1) The region will continue to educate industry as to applicable TSCA requirements, including the TSCA inventory, and respond to questions from the public on TSCA. (RGNS)
  - (2) We will continue outreach efforts through regional/program office briefings with the goal of making TSCA authorities available to assist in risk assessments. The TSCA Assistance Office (TAO) serves as a broker for unpublished or inaccessible data which can be invaluable for other EPA programs as well as States and regions. (HQ/RGNS)
  - (3) We will work to increase awareness of Title III SARA activities and other new programs being implemented by OTS. This includes holding public meetings and developing mechanisms to further the ability of States and regions to have input into OTS activities. (HQ/RGNS)

- E. PROGRAM GOAL: Meet the Requirements of the Title III Emergency Planning and Community Right-to-Know amendment.

Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 requires a substantial program of emergency planning, community right-to-know, and emissions inventory provisions aimed at increasing the public's awareness of human health and environmental risks. OPTS has the lead responsibility for the emissions inventory component of section 313, for trade secret review and processing under section 322, and will continue to provide technical support to the Office of Solid Waste and Emergency Response (OSWER) under other sections of SARA. +

1. Program Objective: Implement the Toxic Emissions Reporting Requirements of section 313 of SARA.

a. Key Program Activities:

- (1) Implementation of the emissions inventory reporting will begin. The design of the emissions inventory data base will be completed as well as mechanisms for public access. Emphasis will be placed on review and processing of the emissions inventory forms in order to ensure the quality and utility of data collected. (HQ)
- (2) Technical support to submitters as well as concerned citizens groups will be expanded. Support will encompass explanations of reporting requirements, assistance in completion of form elements, and associated resource expertise. (HQ/RGNS)
- (3) Trade secret review and claims process will be initiated. (HQ)

2. Program Objective: Provide technical support to OSWER

a. Key Program Activities:

- (1) Support will be provided for revising and expanding technical guidance for emergency planning and community right-to-know programs. This will include revisions to chemical profiles, new criteria for hazard identification, supplemental information on accidental releases, etc. (HQ)

3. Program Objective: Provide enforcement for Title III

a. Key Program Activities:

- (1) The enforcement program will integrate SARA Title III reporting requirements into other inspections performed under TSCA sec. 5 and 8. We will also target additional inspections specifically for Title III purposes. All such inspections will be performed by the regions and/or headquarters (NEIC). HQ/RGNS)

F. PROGRAM GOAL: Meet the Requirements of Section 110 of the Superfund Amendments and Reauthorization Act. Section 110 of SARA requires that EPA and the Agency for Toxic Substances and Disease Registry prepare, by April 17, 1987, a priority-ordered list of the 100 or more hazardous substances, found at Superfund National Priority List sites. The list is to contain those substances which the Agencies consider to pose the most significant potential threats to human health due to their known or potential toxicity and the potential for human exposure. By October 17, 1988 toxic substances must be added to the list. +

1. Program Objective: Meet the requirements of section 110 of SARA

a. Key Program Activities:

- (1) EPA will assist ATSDR in continuing effort, begun in 1987, in developing toxicological profiles for each substance proposed to be included on the list. (HQ)

## OFFICE OF EXTERNAL AFFAIRS

### I. EXECUTIVE SUMMARY

The Office of External Affairs (OEA) is the Agency's focal point for communicating the Agency's program activities and policies to the public, Congress, other Federal agencies, the media, the regulated community and special interest groups. OEA and its counterparts in the regional offices have the ultimate responsibility for ensuring that the Agency's business is conducted as openly and candidly as possible.

OEA provides a number of support functions for the EPA regional offices. Vital to this support is OEA's work with the regional offices in designing and implementing Agency wide communications processes to ensure accurate and useful information to EPA's constituencies.

Within the Office of External Affairs (OEA), the Office of Federal Activities (OFA) is responsible for establishing effective liaison and coordination between EPA and other Federal agencies on environmental issues. OFA also assures, to the extent possible, that other Federal agencies carry out their activities in an environmentally sound manner, that EPA's programs comply with the goals and requirements of the National Environmental Policy Act (NEPA) and related environmental legislation, and that coordination of the implementation of EPA's Indian Policy of November 8, 1984, is provided.

This guidance presents national goals and objectives for the Federal Activities Programs for FY 1988. The guidance also identifies the action that EPA and, where appropriate, States must take to implement these goals and objectives. The guidance consists of three parts. The first part provides an overview of Federal Activities Programs, summarizes the four major goals which shape the four major programs, and highlights major changes in emphasis or direction. The second part describes program objectives for each goal/program and lists the specific actions that must be taken to carry out the national strategy. This part also identifies general priorities/directions for FY 1989 which will be used in the formulation of national program strategies and budget requests. The third part details the specific performance measures that will be used in tracking our success in addressing FY 1988 objectives.

#### A. Communications Goals for FY 1988

EPA Communication Processes: Agency-wide implementation of the communication strategy process has yielded significant benefits in two areas. First, it has brought to the attention of EPA program managers the importance of considering the impacts of major agency actions at the same

time as the actions are being planned. Second, as a result of better planning the Agency has improved the quality of information being provided to those who are most concerned with specific Agency actions. To build upon this progress, the Agency will continue to refine the communication strategy process and institutionalize the EPA Annual Communications Plans. These plans will enable better long-range planning for our communications projects and a clearer identification of their resource implications. In addition, the communications plans will serve as a useful vehicle for highlighting and addressing priority Agency activities. Improving the effectiveness of the Agency's communication of risk issues and improving risk minimization practices will be a major theme of EPA's FY 1988 communications plans.

Delivering EPA's Message: To date, the focus of the Agency's communications strategy process has been mainly upon improving communications planning for internal, Agency-initiated actions. This focus is now being shifted. In the coming fiscal year OEA and the regional offices will take the initiative by seeking out and responding to the information needs of major external constituencies. While providing these constituencies with what they need, the Agency will also emphasize its own messages such as the search for environmental protection actions which achieve the greatest social benefit in balance with other goals. The first step in this initiative will be to link a network of the Agency's best communications resources -- individuals identified by each regional and program office for their exceptional writing skills and extensive knowledge of policy and technical issues. OEA's speaker services staff will actively market the information developed by these individuals, along with material developed for other purposes (for example, Congressional testimony, speeches, etc.) to specific high-priority Agency target audiences. In addition, OEA's speakers services staff will make available to the EPA communicators network potentially useful and effective information produced elsewhere in the Agency. This active outreach program should further improve appreciation of our programs by key external constituencies. It will also serve to achieve greater exposure for information already being developed by the Agency for other purposes.

Environmental Federalism: The State/EPA Committee has become an important conduit for interactions between representatives of state environmental departments and Agency managers. Increased involvement of regional offices in the State/EPA Committee will further the Agency goal of allocating environmental responsibilities to the most appropriate level of government. In addition, a greater emphasis upon effectively packaging and transferring technical information and assistance to those who need it

most will help to improve the effectiveness of environmental management at all levels. A revitalized community involvement program will allow the sharing of information and experiences across the Agency to improve efforts to involve and inform local communities which are or may be impacted by Agency activities. National networks of private sector organizations will play a large role in this information exchange and public outreach.

Youth Program: It is very much in the Agency's interests to increase understanding of environmental management issues among the nation's youth. Young people, both as individuals and as future industry employees, will help to determine the future quality of our air, land, water and natural resources. For example, early training in the proper handling of pesticides and other potentially toxic substances can help to avoid the types of actions which cause environmental damage and require expensive clean-up. The most effective way for the Agency's youth program to work is by developing cooperative partnerships with the states and private sector. Fiscal Year 1988 will see major efforts within the Agency to coordinate youth program activities within headquarters and the regional offices.

B. Federal Activities Goals for FY 1988

In addition to Agency responsibility for communications activities, OEA administers four national programs which contribute toward accomplishment of the fundamental EPA mission and its major goals:

1. Environmental Review Program. Goal: Prevent future environmental problems from major Federal projects and activities by providing effective EPA input through participation and review in accordance with the provisions of Section 309 of the Clean Air Act and of the National Environmental Policy Act (NEPA).
2. NEPA Compliance Program. Goal: Protect and enhance environmental quality through ensuring compliance by EPA and delegated States (as appropriate) with the goals and/or requirements of the National Environmental Policy Act (NEPA) and related laws and directives.
3. Federal Facilities Compliance Program. Goal: Ensure the Federal Government shows leadership in environmental control practices through Federal facility compliance with air, water, toxic, and hazardous waste requirements.
4. Indian Program. Goal: Ensure environmental protection on American Indian reservations through focused implementation of EPA's authorities and programs on the special environmental problems of Indian lands and people.

Each of the OEA programs managed by OFA supports more than one of the points in the Administrator's Management Plan. Because of their multi-media and crosscutting nature, these programs are implemented in close coordination with the media programs at both Headquarters and Regional levels, and help address many of the subjects on the FY 1988 Agency Priority List.

Collectively, these programs cut across all environmental media and consider a broad range of impacts on environmental values and natural resources, as well as public health. In this regard, OFA's program goals and objectives serve both as independent goals for focusing Federal Activities resources and as key elements in supporting the goals of the major media programs. For example, the Federal Facilities Compliance and Indian Programs both address such Agency priorities as compliance with air quality standards, groundwater protection, and hazardous waste site clean-up, where these are significant issues with respect to Federal Facilities or Indian lands. For these two programs, most of the resources and implementation responsibilities are in the media programs, with Federal Activities personnel playing a key coordinating and catalytic role.

Federal Activities functions also serve as EPA's primary focal point for working with other Federal agencies to ensure that they carry out their project-related activities in an environmentally sound manner. The Environmental Review Program provides EPA with a unique opportunity to anticipate and prevent future environmental problems associated with Federal actions, by affording the opportunity to influence decisions, often where it is too early in the planning cycle for direct application of EPA regulatory authorities. EPA's NEPA Compliance Program plays a similar role internally by encouraging consideration of the full range of environmental impacts in EPA's project and regulatory planning. By focusing on the full range of potential environmental impacts in evaluating Agency actions, such as the award of sewage treatment construction grants and issuance of new source NPDES permits, EPA can assure that environmental effects can be identified and minimized.

The Federal Activities programs have a key role in reducing damage to sensitive environmental areas such as wetlands, riparian zones, and near coastal waters. This is achieved through the preparation or review of environmental impact assessments dealing with the projects or activities of EPA and other Federal agencies.

#### C. Changes in Program Direction

The FY 1988 Guidance represents no major change in direction from the current Guidance. Rather, the new Guidance reflects incremental changes in emphasis or approach which track the

continuing evolution of these programs. An increased emphasis on early public participation is a noteworthy change.

1. MAJOR PROGRAM GOAL: PREVENT FUTURE ENVIRONMENTAL PROBLEMS FROM MAJOR FEDERAL PROJECTS AND ACTIVITIES BY PROVIDING EFFECTIVE EPA INPUT THROUGH PARTICIPATION AND REVIEW IN ACCORDANCE WITH THE PROVISIONS OF SECTION 309 OF THE CLEAN AIR ACT AND OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA).

FY 1988 Guidance

- a. In FY 88, the Environmental Review Program (ERP) will orient its Federal project review activities towards prevention of environmental problems related to the Administrator's priority areas of reducing risks from exposure to pesticides, reducing exposure to unhealthy air quality, prevention of ground-water contamination, reducing risks from hazardous wastes, improving protection of surface waters, and improving protection of wetland systems.

ERP staff at Headquarters and Regional levels will place high emphasis on specific liaison activities with Federal agencies to ensure that they are aware of EPA regulatory or programmatic policies and initiatives dealing with the priority environmental problems. Federal agencies, especially at the field level, will be encouraged to become constructively involved in promoting regulatory compliance with and participation in EPA initiatives for the resolution of these environmental problems. This activity, in conjunction with the project-specific liaison described below, is intended to ensure that where possible EPA's programmatic goals are not compromised through the actions and projects of other Federal agencies.

ERP reviewers at both the Headquarters and Regional levels will focus their pre-Environmental Impact Statement/Environmental Assessment (EIS/EA) activities on early involvement with those classes of Federal projects that have the potential for the greatest environmental impacts in the priority areas. For these high priority projects, EPA will seek to provide input to agencies' project development processes to ensure consideration of the full range of alternatives and appropriate use of assessment methodologies. Early participation or consultation in Federal agency planning processes should surface, and lead to correction of, potential problems at the earlier stages of project planning.

ERP reviewers at the headquarters and regional levels will conduct follow-up liaison on all project reviews where EPA has identified significant environmental problems. The purpose of follow-up is to explain EPA's concerns and to obtain positive agency responses to EPA's specific

recommendations. Where necessary to resolve significant environmental problems, the reviewers will elevate projects to higher EPA management levels. Provide staff assistance and technical expertise in developing EISs which EPA voluntarily prepares for ocean disposal site designations.

b. Key Program Activities

In setting Region specific review priorities and goals for FY 88, reviewers should give special consideration to projects with potential problems that fall within the six priority areas. Accordingly, at a minimum, reviewers should:

- \* (1) Emphasize reviews of Federal land management agencies' vegetation and pest management programs and other agencies' use of registered pesticides in sensitive environmental areas to reduce risks from exposure to pesticides and to toxic chemicals.
  - \* (2) Carefully review Federal transportation and energy projects (including outer continental shelf oil and gas activities) to ensure consistency with plans and policies for air standards attainment and maintenance programs.
  - \* (3) Emphasize review of potential ground water impacts from major construction and energy related projects and injection well activities and ensure that maximum impact mitigation is utilized.
  - \* (4) Carefully review all NEPA analyses related to siting, relocating, and clean-up of hazardous waste facilities to ensure full consideration of long-term, cross-media impacts.
  - \* (5) Work with the Federal agencies to maintain and improve water quality with particular efforts to ensure that non-point source related activities of other Federal agencies support State objectives and that Federal lands are managed to minimize or eliminate non-point source pollution. [from proposed activities]
  - \* (6) Emphasize reviews of Federal construction and land management projects impacting wetlands and other sensitive areas to ensure that, first, these impacts are avoided and second, that unavoidable impacts are mitigated in accordance with Federal policy.
2. MAJOR PROGRAM GOAL: PROTECT AND ENHANCE ENVIRONMENTAL QUALITY THROUGH ENSURING EPA COMPLIANCE WITH THE GOALS AND/OR REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AND RELATED LAWS AND DIRECTIVES.

FY 1988 Guidance

- a. The objectives of the NEPA Compliance Program are to: (1) help improve EPA decision-making in order to avoid unanticipated environmental impacts, with an emphasis on identification of alternatives and the full range of potential impacts, including impacts on natural resources and possible intermedia transfer of pollutants, and identification of mitigating measures to avoid or minimize adverse impacts; and (2) ensure that EPA complies with the requirements and procedures of other relevant environmental laws and directives. It should be noted that environmental impact assessment lessens the possibility of intermedia transfer of pollutants and therefore relates directly to the more specific Agency priorities.

The interdisciplinary experience developed in the course of NEPA compliance (primarily for water media programs) is increasingly involved in assisting other EPA program areas. In FY 88, the NEPA Compliance Program will continue to be directed to ensure that EPA's regulatory and other programmatic actions comply with the goals and/or requirements of NEPA and other related laws. The program will be used to promote improved decision-making for complex and controversial projects through comprehensive environmental impact analyses, impact mitigation and public involvement. Emphasis will be placed on those activities with the greatest potential for adverse public health or natural resource impacts and intermedia pollution transfers.

A major area of activity will be required to support NEPA requirements for off-shore oil and gas permitting. In addition to those programs for which formal NEPA analysis is required, the NEPA compliance program will also continue to assist agency programs, especially those with potential intermedia or natural resource impacts, in carrying out review processes that are functionally equivalent to NEPA.

Assistance will also be provided for compliance by EPA with the requirements and directives of other Federal statutes and Executive Orders affecting such environmental values as wetlands, floodplains, coastal zones, historic preservation, and endangered species.

b. Key Program Activities

In addition to EPA's continuing responsibilities for NEPA analyses for construction grants, new source NPDES permits, and related special or generic studies, the following activities will be afforded special emphasis in FY 88 as resources allow:

- \* (1) Assist in site-specific evaluations, e.g., working with CERCLA staff in the development of feasibility studies for remedial actions and RCRA staff on permitting activities,

emphasizing the analysis of alternatives, cross-media impacts, mitigation, and public involvement. (Regions)

- ° (2) Improve communication with other Federal agencies responsible for implementation of environmental laws and Executive Orders with which EPA programs must comply, in order to evaluate problem areas and facilitate Agency compliance. (OFA, Regions)
  - ° (3) Continue to provide oversight and assistance to Agency programs in complying with the requirements of other Federal environmental laws and relevant Executive Orders affecting wetlands, floodplains, agricultural lands, coastal zones, wild and scenic rivers, fish and wildlife, endangered species, historic and archaeological sites, etc. (OFA, Regions)
  - ° (4) Evaluate the effectiveness of NEPA compliance activities on selected projects for which FNSI/EAs or EISS were issued, with an emphasis on accuracy of impact prediction, actual installation of proposed mitigation measures and effectiveness of implemented mitigation measures. (OFA, Regions)
3. MAJOR PROGRAM GOAL: ENSURE THE FEDERAL GOVERNMENT DEMONSTRATES LEADERSHIP IN ENVIRONMENTAL CONTROL PRACTICES THROUGH INCREASED UP-FRONT FEDERAL FACILITY COMPLIANCE WITH AIR, WATER, TOXIC AND HAZARDOUS WASTE REQUIREMENTS.

#### FY 1988 Guidance

- a. The purpose of the Federal Facilities Compliance Program is to help ensure that Federal facilities are brought into compliance in the most cost-effective and timely manner possible. In FY 1987, the revised Federal Facilities Compliance Strategy was issued following a coordinated Agency wide effort lead by OFA and OECM and involving all media program offices in Headquarters and the Regions. The Strategy establishes a comprehensive and proactive approach to achieving and maintaining high rates of compliance at Federal facilities. It provides the basic framework for all EPA media programs to follow to ensure that Federal facilities are fully integrated into EPA and State compliance monitoring and enforcement activities. The Strategy serves as the primary guidance document for the Federal Facilities Compliance Program with the OFA Operating Guidance setting annual priorities and activities for implementation of the Strategy.

The approach set forth in the Strategy and in this FY 1988 Operating Guidance is most closely aligned with three of EPA's Management Priorities: Environmental Federalism, Negotiation and Consultation, and Enforcement. This guidance

recognizes that coordination and cooperation among EPA, the States and other Federal agencies is a necessary element for achieving our mutual goal of environmental protection. It provides for increased EPA technical assistance to Federal agencies to help "ensure their cost effective and timely compliance" as required by Executive Order 12088. With Federal facilities, negotiation and early involvement and consultation continue to be the most practical mechanisms available for effective and long-term solutions to environmental compliance problems. The new Strategy calls for the use of mutually negotiated bilateral Compliance Agreements in the first instance for the resolution of violations at Federal Facilities. Lastly, the obligation of Federal Facilities to comply with environmental requirements is generally the same as private parties and EPA and the State will take all actions necessary to ensure that violating Federal facilities are returned to compliance in as timely a manner as possible. The Strategy outlines EPA's enforcement response procedures, requires Federal facility adherence to all media program "timely and appropriate" response time-frames, and establishes a formal dispute resolution process under Executive Order 12088 for cases where agreement cannot be reached in a timely manner.

In FY 1987, the top priorities for the Federal Facilities compliance Program are:

- (1) To improve the effectiveness of the A-106 planning process and the A-106 projects more closely to identified EPA media program priorities;
- (2) To provide timely and improved technical assistance to Federal agencies to help ensure their compliance with all environmental regulations, particularly, those related to newly reauthorized statutes (e.g., CERCLA/SARA, RCRA/HSWA, SDWA); and
- (3) To improve the overall identification and tracking of compliance status of the Federal facility universe.

b. Key Program Activities:

- ° (1) Increase technical assistance and training for Federal facilities as required by Executive Order 12088.
  - a) Conduct periodic (e.g. monthly, bimonthly, or quarterly) meetings with key Federal agency personnel to disseminate information on new regulatory requirements.  
(Headquarters, Regions)
  - b) Hold an annual multi-media workshop for Federal facility environmental personnel in each Region. Special workshops or seminars on new or reauthorized statutes

(e.g. CERCLA) should also be presented as needed and where resources allow. (Headquarters, Regions)

- c) Make periodic coordination visits to significant Federal facilities to provide program assistance and review major A-106 projects. (Regions)
- d) Develop Compliance Management Plans for the top three Federal facilities identified in each Region to address existing and potential compliance problems on a multi-media basis. (Regions)

° (2) Improve the identification, tracking and compliance monitoring of Federal facilities.

- a) Review and coordinate annual Regional/State inspection plans to ensure Federal facilities are being inspected at least as frequently as the minimums established in media program guidance. Also ensure that Federal facilities are receiving the same percentage of program oversight inspections as is done for other sources. (Regions) +
- b) Review and update media program lists of majors and minors to ensure all Federal facilities are properly classified and receiving required inspections. (Headquarters, Regions) +
- c) Ensure that results of all Federal facilities inspections are received from EPA Regional program offices and State agencies in a timely manner through State/EPA enforcement agreements or other means as appropriate. (Regions, States) —
- d) Track the compliance status of all Federal facilities inspected during the fiscal year and report this information to OFA quarterly on an agency-by-agency basis. (Regions) +
- e) Update Regional lists and track the compliance status of facilities identified as significant minors in each media program and those Federal facilities identified as the most environmentally significant on a multi-media basis. (Regions) —
- f) Work with Regional program offices and Environmental Services Divisions to conduct multi-media inspection of Federal facilities where appropriate. Provide an updated list of the ten Federal facilities identified as the prime candidates for multi-media inspections during FY 88. (Regions) —
- g) Accompany Regional media program staff on program and/or

oversight inspections as appropriate and where resources allow. (Regions)

- ° (3) Improve the effectiveness of the A-106 Federal Agency Pollution Abatement Planning Process. (Headquarters, Regions)
  - a) Coordinate the review and update of Federal agency A-106 plans with EPA Regional program staff and State agency personnel as appropriate. (Regions) —
  - \* b) Identify Federal facilities included in selected media program priority areas and work with Federal agencies to address any related compliance problems through the A-106 process or other means where appropriate. Report this information to OFA as required by annual SPMS measures. (Headquarters, Regions) +
  - c) Conduct visits to priority A-106 projects to provide technical assistance, review progress and participate in pre-design meetings where resources allow. (Regions)
- ° (4) Increase emphasis on returning Federal facilities to compliance in a timely manner following the procedures outlined in the revised Federal Facilities Compliance Strategy and related media-program guidance.
- ° a) Coordinate the negotiation of all Compliance Agreements with Federal facilities, in cooperation with the media program offices, within the established media-specific "timely and appropriate" response timeframes. (Regions) —
- b) Escalate unresolved issues related to specific Federal facilities violations to OFA for dispute resolution through E.O. 12088 where necessary. (Headquarters, Regions)
- ° (5) Improve State/Federal relationships affecting Federal Facility Compliance.
  - a) Continue efforts to have each State identify counterparts to the Regional Federal Facilities Coordinator through the State/EPA enforcement agreements. (Regions, States)
  - b) Initiate actions through the State/EPA agreements to ensure that delegated or authorized States inspect the required numbers of Federal facilities and report the results of inspections and enforcement actions to EPA in a timely manner. (Regions, States) —
  - c) Conduct at least one annual meeting with the States in each Region to identify and discuss patterns of non-compliance at Federal facilities and to review Federal +

agency A-106 pollution abatement plans. (Regions, States)

- ° (6) Coordinate regularly with Regional Federal agency staff and major installation personnel to ensure development of environmental management and auditing programs which will enable timely implementation of requirements related to newly-authorized environmental statutes (e.g. HSWA, SARA, and SDWA). —
- \* a) Help ensure timely Regional review of all Federal agency assessments and plans submitted for abandoned hazardous waste sites under SARA and correction action plans for SWMUs under HSWA. In cooperation with Regional program staff, develop a comprehensive strategy for Regional review of Federal agency documents submitted for all non-NPL hazardous waste sites. (Regions) +

4. MAJOR PROGRAM GOAL: ENSURE ENVIRONMENTAL PROTECTION ON AMERICAN INDIAN RESERVATIONS THROUGH FOCUSED IMPLEMENTATION OF EPA'S AUTHORITIES AND PROGRAMS ON THE SPECIAL ENVIRONMENTAL PROBLEMS OF INDIAN LANDS AND PEOPLE.

FY 1988 Guidance

- a. The objectives of EPA's Indian program are to: (1) directly apply EPA's authorities and programs on Indian reservations; (2) develop and enhance tribal institutional capabilities to assist in the implementation of EPA's authorities and programs on reservation lands; and (3) eliminate legislative and regulatory barriers to program implementation (ranging from partial participation of the tribe to full delegation of programs to tribal governments). This program reflects the fact that EPA retains program authority on Indian reservations even where that reservation is geographically located "in" a "delegated" State; our responsibilities remain the same as in "non-delegated" States. It also aims to ensure that the Agency's priorities are carried out on reservation lands as well as on non-reservation lands. As resources allow, regions should make funding available to tribal governments, recognizing that it may be some time before adequate resources become available.

In FY 88, EPA will continue to develop its programs along the lines outlined in the interim Strategy for Implementation of the EPA Indian Policy, within the constraints of available resources. Direct program activity by Agency or reservation lands will increase and, as the statutes are amended, regulatory programs may begin to be delegated to Tribal governments. Regions will maintain good communication with

major Tribes, and will continue to provide technical assistance to Tribal governments as they assess their environmental problems and needs, and as they continue to build up the institutional capability to deal with environmental problems.

Innovative and alternative institutional options will receive a high priority where they provide an effective means to address environmental problems in terms of cost and environmental results. The information base on environmental problems on reservation lands will be updated and expanded to additional reservations and will assist in focusing Agency priorities on the most significant issues. OFA will continue in its role of program coordinator, providing guidance, direction, and oversight, as appropriate.

b. Key Program Activities

- \* (1) Increase the level of direct programmatic involvement on Indian reservations to address the most critical air, water, and hazardous/radioactive waste problems consistent with the overall goals and objectives of the media programs. (Regions) +
- \* (2) Develop on a selective basis several Tribal/EPA agreements analogous to State/EPA agreements identifying priority environmental problems and measures to address them. (Regions)
- \* (3) Continue to provide direct technical assistance to Tribal governments including assistance on problem identification and infrastructure development. (Regions)
- ° (4) Continue to strengthen external liaison with Indian Tribal organizations and relevant Federal agencies. (OFA/Media Programs/Regions)
- ° (5) Strengthen outreach and liaison with Tribal governments, providing information and opportunity to participate in EPA programs, as appropriate. (Regions)
- ° (6) Maintain and, as appropriate, update the data base developed during the FY 86 Survey of Environmental Conditions on Reservation Lands. (Regions)

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OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT

I. EXECUTIVE SUMMARY

The FY 1988 Operating Year Guidance for the Office of Administration and Resources Management (OARM) is comprised of three programmatic objectives new to the Guidance development process. These activities are not, however, new to EPA. Rather, they continue and improve upon work already underway in OARM and across the Agency.

One activity, Human Resources Management, directly implements EPA's Management Priority to promote excellence and professional growth in EPA staff at all levels. The two additional activities, State/EPA Data Management and improved Superfund Financial Management support Agencywide goals to work collectively with State and local governments to assure environmental protection action and resources are fully effective and designed to achieve the greatest social benefit.

OARM's key programmatic objectives discussed in the FY 1988 Guidance are summarized below.

° HUMAN RESOURCES MANAGEMENT

The Administrator's priority emphasis on human resources management reflects the Agency's commitment to investing the time and resources needed to promote excellence and professional growth in EPA employees at all levels of the workforce. The FY 1988 Guidance addresses broad areas of human resources management essential to a quality workforce: employee involvement/communication; managerial excellence; workforce planning; career management; and training/ development activities.

- Employee Involvement/Communication - Our workforce is our greatest resource. EPA managers at all supervisory levels should tap into the creativity and broad experience of employees to improve work quality and productivity and to foster and maintain a climate of open communication based on trust and professional respect.
- Managerial Excellence - Strengthened quality of our EPA Management team is a major Agency goal. Managers should fully integrate concepts and characteristics of the FAME program (Framework for Managerial Excellence) with their employee recruitment, selection, development, evaluation, and rewards processes.
- Workforce Planning - To meet projected program requirements we need the highest quality applicants available. EPA managers should assess and plan for the quality as well as quantity of the workforce needed to get the job done well.

- Career Management - In FY 1988, each EPA organization should give employees the opportunity to participate in career management activities designed to promote the highly skilled and motivated workforce needed to meet the still emerging and changing needs of the Agency.
- Training/Development Activities - Managers should identify employee training and development needs, then ensure appropriate opportunities are available to foster professional growth.

° STATE/EPA DATA MANAGEMENT

One of the principal rationales for EPA policy regarding environmental federalism includes the recognition that more effective environmental protection results when Federal requirements are implemented in a fashion which responds to the diversity of local conditions. If we are to delegate program responsibility to States without sacrificing accountability, we must have timely and reliable data to monitor State progress in implementing and enforcing environmental statutes.

Using recent EPA experience in joint Region/State pilot efforts, the Agency has structured an initiative to strengthen the methods and technology we use to manage and share data with States. This effort will improve the Agency's ability to respond to government-wide priorities regarding electronic collections, telecommunications and information management. In addition, it will enhance the Agency's ability to share information among programs, reduce duplicate State data reporting and produce significant savings by both EPA and the States. Most important, it will result in data management policies and systems that support, rather than hinder, efforts to achieve our common goal of overall risk reduction.

The program objectives that we will undertake to build the trust and cooperation needed to build an effective State/EPA partnership are:

- Quality Data - EPA Regions will ensure that States provide complete, accurate data to meet EPA reporting requirements, and ensure that these data are entered into EPA's national data bases in a timely way by either the State or the Region.
- State Access - EPA will provide direct, on-line State access to all EPA data bases that contain data reported by the State. This will enable States to review and validate their data in EPA's data bases.
- State-Reported Data - EPA will establish policies and management practices that assure the integrity of State-reported data when EPA handles, edits, and interprets these data.

° SUPERFUND FINANCIAL MANAGEMENT

The Guidance for the Superfund Financial Management Program provides national direction to EPA Regional Offices in administration of financial management policies and procedures which affect the Superfund program. It also provides a framework within which the Regions should work with States and other Federal agencies to develop their Superfund financial management programs.

This Guidance identifies financial management initiatives which support technical programs mandated under the recently enacted Superfund Amendments and Reauthorization Act (SARA) of 1986. SARA authorizes an expansion of the Superfund program from \$1.6 billion to \$8.5 billion, creating a commensurate need for effective and efficient administration of the financially complex program.

The Guidance for FY 1988 is directed towards ensuring effective, efficient, and consistent administration of the financially complex Superfund program, while simultaneously supporting EPA's management priorities in the specific areas of environmental federalism, negotiation and consultation, enforcement, and human resources. The major Superfund financial management objectives for FY 1988 center on:

- Building Regional, State, and other Federal agency capability to administer the financial management of Superfund consistently and effectively;
- Promoting and establishing an effective administrative financial management infrastructure to encourage program/financial office interaction;
- Developing and instituting effective, efficient, and consistent accounting practices throughout EPA Headquarters, Regions, States, and other Federal agencies; and
- Developing accounting processes and techniques to produce responsive and reliable management information in support of program operations, enforcement, negotiation, and consultation.

The strategy for accomplishing the FY 1988 objectives and for improving operations within the established financial management areas involves five major project initiatives, as follows:

- Resource control initiatives will establish mechanisms to ensure that resources are available for planned activities;
- Cost management initiatives will ensure that charges are necessary and reasonable given the services provided, and that the services provided were those requested;

- Cost documentation initiatives will ensure that reliable and accurate site-specific cost records will be available for cost recovery support;
- Cost recovery support initiatives will ensure that proper amounts are collected for the Fund; and
- Internal control initiatives will ensure that all Superfund financial management operations achieve an improved level of accuracy and consistency across Regions, States, and other Federal agencies.

Together these initiatives will provide the financial management foundation critical to effective management of the Superfund program nationwide.

## II. OPERATING GUIDANCE

### A. HUMAN RESOURCES MANAGEMENT

EPA is its people. The quality and performance of our employees will determine whether or not we meet the complex and changing needs of our environmental mission. With the assessment and report by the National Academy of Public Administration (NAPA) in 1983-84, EPA asked employees for their views on their work and the management of the Agency. While their responses confirmed a universal dedication to the EPA mission and willingness to work hard, they also pointed to a number of areas seriously in need of improvement. With the NAPA findings, we began a long-term effort to change the way we manage our human resources, so that we may continue to attract and retain the best people and produce the highest quality environmental results.

The Administrator's priority in human resources management reflects the Agency's commitment to investing the time and resources needed to promote excellence and professional growth in EPA people at all levels. This guidance addresses broad areas of human resources management essential to a quality workforce: employee involvement/communication; managerial excellence; work-force planning, career management, and training/development activities.

#### 1. Employee Involvement/Communication

Since the first NAPA Report in 1984, EPA's management has strengthened efforts to involve its employees in major program and management decisions facing the Agency. The creation of the EPA Human Resources Council, with advisory committees made up of scientific/technical, support, and managerial employees from across our media and our geographic locations attest to our belief that our people are the best source of ideas and innovative ways of getting the job done.

As we move into FY 1988, EPA will increase emphasis on employee involvement in order to tap into the creativity and broad experience of our workforce. All EPA managers and supervisors should encourage employees to participate in decisions that affect their work and to offer ideas and suggestions that will improve work quality and productivity. Then, they should be willing to listen and consider implementing those that make sense. They need to look at organizational structure and try to reduce the number of levels so that decisions are made at the lowest practical level, closest to the actual work.

Meaningful employee involvement requires that managers and supervisors communicate well with employees at all levels as professionals and as people. Managers and supervisors should develop and articulate to their employees a clear and simple statement

of their program and human resources management goals-both what is to be done and how to do it. Organizational goals should be translated into individual commitments through meaningful and measurable performance standards. They should work to foster and maintain a climate of open communication based on trust and professional respect, and give frequent and constructive feedback to employees about their performance.

On the broad level, the use of cross-program task forces, multi-disciplinary positions, and rotational assignments attest to EPA's belief that environmental and management issues are so complex that communication among people and groups with different perspectives is not only desirable, but essential. In individual organizations, local human resources "mini-councils," informal newsletters, all-employee meetings, "brown bag" lunches with senior officials, and staff team-building sessions are examples of activities which have worked well in EPA.

## 2. Managerial Excellence

One of the hallmarks of our Agency for the past few years has been our investment in strengthening the quality of our management team, to assure that managers at all levels are able to lead and manage complex organizations, complex missions, and employees with diverse and specialized backgrounds. Under the FAME (Framework for Managerial Excellence) program, EPA has initiated a comprehensive program to address the skills, abilities, and personal characteristics that the Agency should look for in recruiting employees to management positions. OARM has expanded on those characteristics to determine appropriate training and development activities which will allow EPA to "grow" highly effective managers from within, and has mapped out criteria the Agency should use to appraise managers and to reward managerial excellence.

Full integration of the FAME competencies and effectiveness characteristics into the selection, development, evaluation and rewards processes is a major Agency goal. Current managers and supervisors should aim for full participation of new managers and supervisors in training such as the "Framework for Supervision" and "Keys to Managerial Effectiveness" courses. They should also encourage incumbent managers and supervisors to take as many as forty hours of managerial training each year, through the EPA Institute, commercially available packages, the Federal Executive Institute, or other sources. Managers should support the SES Candidate Program by encouraging their people to apply and considering Candidates when filling SES vacancies. Similarly, the Presidential Management Intern Program should be considered as an excellent pool of management talent available to EPA organizations.

## 3. Workforce Planning

All managers should take steps to plan for the quality of their workforce as well as the quantity of FTE needed to do the work.

OARM has developed a methodology to help each organization to assess its human resources needs over the next 3-5 years, based on program priorities, legislation, state delegations, and resource levels. Getting the right person in the right job at the right time requires identification of job tasks in the future, analysis of the knowledges, skills and abilities needed to do the job, and an inventory of current staff capabilities. The results of these analyses will generate alternative courses of action for recruiting, career management, training and development, and EEO/affirmative action efforts.

To meet projected program requirements with the best quality applicants available and achieve our EEO objectives, OARM has advanced a much more targeted recruitment program for the Agency, which will allow EPA to focus on hard-to-fill scientific and technological needs, while assuring that recruiters are trained to market and present the Agency and its various programmatic needs in the best possible light to applicants.

#### 4. Career Management

Agency commitment to greater employee involvement, managerial excellence and workforce planning will lead to a larger, overarching goal: to have a highly skilled and motivated workforce, one that is in tune with scientific and technological advancements, and that is trained and developed to meet the still emerging and changing needs of the Agency. EPA has already made significant progress in this area with the implementation of the Career Management System. The system is designed to improve employee career planning within the context of the organization's needs.

In FY 1988, each organization should provide employees the opportunity to participate in career management workshops, DISCOVER, and other career management activities. Development and training experiences will be outlined in yearly career management plans agreed upon by the employee and supervisor. A significant percentage of positions should be announced and filled both as lateral assignments and merit promotions using the Career Management System Vacancy Announcements. Employees' participation in professional societies and associations will occur as funds are set aside by managers in their operating budgets.

#### 5. Training/Development Activities

Managers should use workforce planning products and career management activities to provide a systematic approach to identifying individual employees' training and development needs. Managers and supervisors should assure that appropriate growth opportunities are available, and employees should participate in these training and development experiences.

The Agency has instituted many programs to accomplish these goals, including model career paths for chemists and physical scientists, a rotational assignment program, and

other training and development information which can be easily accessed through in-house automated systems. Many EPA managers and supervisors have already begun to reap the benefits of rotational assignments to, from, and within their organizations. The EPA Institute should be integrated into training and development activities wherever possible, by supporting staff in developing and delivering courses, encouraging staff to attend Institute courses, including the "Managing Office Relationships" and "Pitfalls" courses designed specifically by and for support staff.

### Summary

This guidance is directed at managers across the Agency, but recognizes the organizational and program differences among our Headquarters, Regions and Laboratories. OARM encourages managers to be flexible in choosing the kinds of human resource management activities that will best meet the needs of their employees and their mission.

Each of the objectives outlined above should come to fruition during FY 1988. We challenge supervisors and managers: make these things happen for your people. We urge all managers, at all levels, to invest the time, energy and resources necessary to make your organization, and our Agency, a model of human resources management in the Federal sector.

## B. STATE/EPA DATA MANAGEMENT

EPA's commitment to environmental federalism requires that we strengthen the methods and technology we use to manage and share data with state environmental and health agencies. If we are to delegate program responsibility to States without sacrificing accountability, we must have timely and reliable data to monitor state progress in implementing and enforcing Federal environmental statutes.

In addition to being the source, State agencies are also the initial and primary users of the data required by EPA to manage delegated programs. Thus, our ability to obtain these data, as well as the ultimate success of the State-EPA partnership, depends on our success in devising data management policies and systems that support, rather than hinder, State efforts to achieve our common goal of overall risk reduction.

### 1. Objectives

Over the past two years, EPA and pilot States in each of the EPA Regions have worked to improve the management and sharing of data. These pilots have applied a variety of methods and technologies, tailored to the unique needs of individual States, in pursuit of three specific objectives:

- ° To assure that complete, accurate data are provided in response to all EPA reporting requirements, and that these data are entered into EPA's national data bases in a timely way by either the State or the Region.
- ° To provide direct, on-line access that allows States to retrieve and validate State-reported data contained in EPA data bases.
- ° To establish policies and management practices that assure the integrity of State-reported data when EPA handles, edits, and interprets these data.

These three objectives represent Phase I of a longer term effort to strengthen State/EPA data management and sharing. A Phase II pilot is now being launched in the State of Georgia to develop improved methods for applying State and EPA data resources and improved information technology to support risk reduction decisions across media lines. In addition, the Georgia Phase II pilot will examine cost-effective approaches to addressing new State data management responsibilities under Title III of the Superfund Reauthorization Amendments.

## 2. EPA Regional Offices

During FY 1988, each EPA Region is to undertake one additional State data management project, while maintaining support for the State data management project begun during FY 1987. Regions should also begin working with the FY 1987 pilot State to introduce Phase II data management improvements. Especially in those Regions where no additional Phase I State projects are feasible, Regions should also concentrate on training and procedural improvements required to institutionalize effective State/EPA data management practices.

Each Region should give particular attention to assuring that State/EPA agreements, enforcement agreements, and grant agreements reflect Agency policy regarding State/EPA data management. Finally, all Regions should begin efforts to improve the data resources and technology available to Regional Office staff to address risk reduction decisions across media lines in concert with State agencies.

## 3. EPA Program Offices

EPA Program Offices should review existing and planned data systems that involve State-reported data or that are intended for use in overseeing State agency performance, to assure that these systems are designed and managed consistent with the Agency's State/EPA data management policy. Plans and budgets should be developed to accomplish these changes over a reasonable period of time, consistent with the Agency's priority on achieving effective Environmental Federalism.

### C. SUPERFUND FINANCIAL MANAGEMENT

The FY 1988 objectives, initiatives, and high priority activities to be conducted to improve Superfund financial management are identified in this section of the Guidance. Each of the major initiatives is summarized, followed by the priority activities necessary to accomplish each initiative.

Administration of the financially complex Superfund program requires the establishment and maintenance of effective, efficient and consistent financial management practices in three major areas:

- ° Traditional Financial Services - which covers basic services such as issuance of paychecks, processing travel vouchers and contractor invoices, preparation of regular reports, maintenance of financial systems, and issuance of general policy;
- ° Site-Specific Accounting - which covers the additional effort required to deal with unique Superfund process and procedural complexities involved in reporting and accounting site-specifically; and
- ° Cost Recovery Support - which covers requirements to gather, present, and support cost documentation needed in cost recovery actions against responsible parties.

The initiatives discussed below are directed towards ensuring that each of these critical Superfund financial management functions is performed effectively.

Specific Superfund financial management program initiatives cover the areas of:

- ° Resource Control;
- ° Cost Management;
- ° Cost Documentation;
- ° Cost Recovery; and
- ° Internal Control.

Each of these initiatives and related priority activities are discussed in more detailed sections below.

1. Resource control initiatives will be directed towards ensuring that the Agency's traditional financial services, processes, procedures, and systems are upgraded to provide the financial foundation necessary for the Superfund program. Simultaneously, the financial information resulting from these efforts must be made readily available to the program officials, including the site-specific information which is often needed for effective Superfund program management. The initiatives include a

number of priority activities directed towards establishing mechanisms which will ensure accurate charging practices, timely obligations processing, and tracking of obligations/outlays. OARM plans to complete these initiatives during FY 1987, so that regional offices can use the products during FY 1988.

The intended result of these initiatives is a reliable and consistent system for tracking important cost measures such as work years, personal compensation and benefits, travel, equipment, support, contracts, Interagency Agreements (IAGs), and Cooperative Agreements (CAs) from the budgeting through the actual outlay process. Site-specific allowances for Remedial Design (RD) and Remedial Action (RA) activities and centralized Document Control Registers (DCRs) will strengthen both the budget planning and budget execution functions. These initiatives will ensure that On-Scene Coordinators (OSCs) and Remedial Project Managers (RPMs) can be more confident that charges billed to a site represent the actual services provided.

#### Resource Control Priority Activities

In order to fulfill the requirements of these initiatives, the following activities should be performed:

- ° Each region should create a unit within the financial office to provide the expertise to perform regional Superfund financial management functions;
- ° OARM/OSWER will continue to track actual costs against site-specific allowances for RDs/RAs;
- ° OARM will continue to maintain systems to ensure accurate charging practices and timely obligations/outlays processing and tracking;
- ° Regions should continue to maintain centralized DCRs;
- ° Regions should initiate briefings and discussions with States/other Federal agencies to implement the resource control initiatives;
- ° Regions should implement the joint OSWER/OARM recommendations for providing improved administrative support to OSCs and RPMs;
- ° Regions should implement programs to ensure that time-charging practices are in line with Agency standard procedures. OARM will issue by September 1987 the comprehensive program and policies to be followed;

- ° Regions should offer technical assistance to States and other Federal agencies in establishing accounting and cost documentation systems consistent with EPA's resource control measures; and
  - ° Regional financial programs should provide financial analysis to assure that removal program managers have sufficient information to prepare action memoranda which include accurate site budgets.
2. Cost management initiatives have been developed to help ensure that charges are necessary and reasonable and are in line with site-specific accounting and reporting requirements. These initiatives involve the enhancement and more timely production of Financial Management System (FMS) reports to facilitate improved overall cost management, generation of reliable site-specific cost data and reports, and calculation of supportable indirect costs.

#### Cost Management Priority Activities

The foundation for effective cost management is timely and accurate site-specific reporting by all organizations and staff involved in the Superfund program, and the subsequent timely consolidation and output reporting of these data by the Agency's FMS and other financial subsystems. To fulfill the requirements of this initiative, the following activities will be performed:

- ° OARM will continue to enhance FMS reports to improve reporting for effective site-specific cost management;
- ° Regions should review contractor charges/invoices and daily reports to ensure that all site charges are reasonable and necessary;
- ° Regions should continue to work with Superfund contractors, States, and other Federal agencies to ensure the accurate and timely reporting and processing of site-specific costs;
- ° OARM will continue to develop and issue on a fiscal year basis Agency approved annual indirect cost rates;
- ° Regions should invest necessary resources to develop accurate site-specific budgets and to closely monitor actual costs, including indirect costs;
- ° Regions should use Agency approved annual indirect cost rates developed by OARM to determine site-specific costs for both project ceiling and cost recovery purposes; and

- ° Regions should review financial files managed by recipients of CAs and IAGs to ensure that documentation is available to support all Superfund charges.
3. Cost documentation initiatives will ensure that charges are accurately reflected in the Agency's FMS and can be supported in litigation. One key activity will be the development and distribution of a manual defining standard cost documentation requirements and procedures for EPA, States, and other Federal agencies. Following standard processes will ensure that reliable and accurate site-specific cost records are available for cost recovery support, strengthen management information, and improve data quality.

The establishment and maintenance of Superfund site-specific financial files will ensure easy retrieval of cost recovery data. OARM will continue to maintain Superfund site-specific financial files and will consider automated alternatives for storage and retrieval of Superfund financial transaction records.

#### Cost Documentation Priority Activities

The priority activities in this area carry through on previous years' initiatives to implement the negotiation, cost recovery, and supportable cost areas of the Superfund program. Specific activities include:

- ° OARM will develop and issue by August 1987 a manual defining cost documentation requirements and procedures for EPA, States and other Federal agencies;
- ° Regions should maintain Superfund site-specific financial files consistent with OARM Superfund cost documentation procedures;
- ° Regions should work with States and other Federal agencies to ensure the consistent implementation of cost documentation policies and procedures;
- ° OARM will develop and issue by August 1987 criteria for acceptable State and Federal agency Superfund financial management systems;
- ° Regions should work with States and other Federal agencies to implement acceptable Superfund financial management systems;
- ° Regions should conduct reviews of the Superfund financial management systems of States and Federal agencies with Superfund agreements with EPA;

- ° OARM will continue system development for subsequent implementation of an automated storage and retrieval system for Superfund financial management site-specific files.
4. Cost recovery support initiatives will ensure that proper amounts are reported and collected for the Fund. Key to this initiative will be the development during FY 1987 of a stand-alone document to explain the Agency's financial management procedures and controls. Also, the establishment of an automated billing and receivables system capable of calculating interest will be necessary to carry out the interest-charging mandates of SARA.

Central to the success of these initiatives will be the ability to improve the integrity of the case settlement process to ensure case closing information is immediately transferred to the regional financial offices so that collections can be recorded properly and receivable amounts can be accurately reported to management.

#### Cost Recovery Support Priority Activities

Several specific activities will support the initiatives, including:

- ° OARM will continue policy development support and issuance of documentation codifying cost recovery financial policies;
- ° Regions should establish systems to ensure that case closing information is immediately transferred to the financial office so receivables and collections can be accurately recorded;
- ° Regions should actively pursue parties that do not pay owed balances and report to Headquarters when collections cannot be made;
- ° Regions should ensure that they expeditiously determine potential responsible party (PRP) ability to pay through analysis of their financial capabilities and that they then process claims as quickly as possible;
- ° OARM will develop policies and procedures and design an automated system that carries out the interest-charging mandates of SARA by September 1987; and
- ° Regions will implement procedures that support the calculation and collection of interest from responsible parties.

5. Internal control initiatives will ensure that all Superfund financial management operations achieve an improved level of accuracy and consistency across regions, States, and other Federal agencies. Transaction testing will ensure process improvement and provide a quantitative indication of the degree of improvement.

Internal Control Priority Activities

The activities supporting these initiatives will focus on reviews and assistance to ensure consistency and accuracy. Specific activities will include the following:

- ° OARM will design and develop by September 1987 a quality assurance program to ensure integrity of Superfund financial management processes;
- ° OARM and OSWER will design and develop by September 1987 a comprehensive internal control program to ensure that Agency policies and procedures are implemented correctly;
- ° Regions should implement the integrated OARM/OSWER internal control program;
- ° Regions should conduct reviews of State and other Federal agency internal control procedures for Superfund financial transactions and provide suggestions for improvement as appropriate; and
- ° Regions should establish the capability for their financial offices to perform transaction testing of Superfund financial documentation.

OFFICE OF AIR AND RADIATION  
STRATEGIC PLANNING AND MANAGEMENT SYSTEM  
FY 1988 MEASURES

OFFICE OF AIR AND RADIATION

GOAL: Eliminate population exposure to pollutant levels above the NAAQSS.

FY 1988 OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Maintain continued progress toward attainment of NAAQSS.	<p><u>OAR</u></p> <p>1. Report nonattainment areas on a pollutant-by-pollutant basis and identify classification changes.</p>	A-1 (H)	Q1-Q3

# OFFICE OF AIR AND RADIATION

GOAL: Eliminate population exposure to levels of ozone above the NAAQSs.

FY 1988 OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Implement the ozone policy.	<p align="center"><u>REGIONAL OFFICE</u></p> <ol style="list-style-type: none"> <li>Report on status of adequate SIPs for each ozone SIP call area.<sup>1</sup> <p><u>SPREADSHEET ITEMS (See Definitions Tab)</u></p> <ul style="list-style-type: none"> <li>Emission inventory completed</li> <li>Control strategy demonstration</li> <li>Draft measures completed</li> <li>Draft plan submitted to Regional Office</li> <li>Review effectiveness checklist</li> <li>Public hearings scheduled</li> <li>State Board review/approval</li> <li>Final plan submitted to Regional Office</li> <li>SIP enter 5/2-5/2</li> <li>Report on effectiveness checklist</li> </ul> </li> <li>Report the number of new State and local anti-tampering programs started.</li> <li>Report on the number of I/M program deficiencies addressed.</li> <li>Report on ozone areas with design value &gt;0.15 ppm <ul style="list-style-type: none"> <li>Fourth highest ozone value for CY 85-86-87</li> <li>Expected number of exceedences for CY 85-86-87</li> </ul> </li> <li>Report for VOC sources in nonattainment areas <ul style="list-style-type: none"> <li>Compliance status of Class A VOC SIP sources and VOC NSPS sources</li> <li>Inspection frequency for Class A VOC SIP sources and VOC NSPS sources</li> <li>Status of VOC significant violators (status of Federal facility significant violators will be broken out and reported separately)</li> </ul> </li> </ol>	<p>A-2(R)</p> <p>A-3(R)</p> <p>A-4(R)</p> <p>A-5(R)</p> <p>A-6(R)</p>	<p>Q1-Q4</p> <p>Q2,Q4</p> <p>Q4</p> <p>Q1-Q4</p>

<sup>1</sup> For management purposes, the OAR expectation for FY 1988 is to complete for all ozone SIP call areas the activities in the spreadsheet from emission inventory to the draft plan submittal to Regional Office. This expectation does not, however, alter the Agency goal to complete all spreadsheet items as quickly as possible. OAR-2

# OFFICE OF AIR AND RADIATION

GOAL: Attain PM<sub>10</sub> NAAQSS in all areas and have programs in place for maintenance of NAAQSS.

FY 1988 OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
State submittal of appropriate SIPs for the Group I areas and committal SIPs for Group II areas. Continue progress toward completion and implementation of an adequate PM <sub>10</sub> ambient network.	<p><u>REGIONAL OFFICE</u></p> <p>1. Report on the submission of adequate SIPs for Group I areas and committal SIPs for Group II areas (see appendix for checklist of adequacy measures)<sup>3</sup></p> <p><u>SPREADSHEET ITEMS</u> (See Definitions Tab)</p> <ul style="list-style-type: none"> <li>• Emission inventory completed</li> <li>• Determined design concentration</li> <li>• Control strategy demonstration</li> <li>• Draft plan submitted to Regional Office</li> <li>• Review effectiveness checklist</li> <li>• Public hearings scheduled</li> <li>• State Board review/approval</li> <li>• Final plan submitted to Regional Office</li> <li>• Correct deficiencies on effectiveness checklist</li> <li>• SIP enter 5/2-5/2</li> </ul> <p>2. Report on the adequacy of the PM<sub>10</sub> monitoring networks (see appendix for checklist of adequacy measures)</p> <p><u>SPREADSHEET ITEMS</u> (See Definitions Tab)</p> <ul style="list-style-type: none"> <li>• Report on status of NAMS and SLAMS Network approvals</li> <li>• Urbanized areas (&gt;100K population) with approved network of NAMS samplers operating at required frequency</li> <li>• Group I areas (excluding urbanized areas and fugitive dust counties) with approved number of PM<sub>10</sub> sites operating at required frequency</li> </ul>	A-7(R)	Q1-Q4
		A-8(R)	Q1-Q4

<sup>3</sup> The OAR expectation for FY 1988 for Group I areas is to complete for all Group I areas the activities in the spreadsheet from emission inventory to draft plan submitted to Regional Office. This expectation does not, however, alter the Agency goal to complete all spreadsheet items as quickly as possible.

OFFICE OF AIR AND RADIATION

FY 1988 OBJECTIVE	MEASURE	SPMS CODE FREQUENCY
PM <sub>10</sub> Cont.	<ul style="list-style-type: none"> <li>◦ Group II areas (excluding urbanized areas and fugitive dust counties) with approved number of PM<sub>10</sub> sites operating at required frequency</li> </ul> <p>3. Report on TSP sources with existing SIP and NSPS regulations in Group I and II areas</p> <ul style="list-style-type: none"> <li>◦ Compliance status of the Class A TSP SIP sources and TSP NSPS sources</li> <li>◦ Inspection frequency for Class A TSP SIP sources and TSP NSPS sources</li> <li>◦ Status of TSP significant violators (status of Federal facility significant violators will be broken out and reported separately)</li> </ul>	<p>A-9(R)</p> <p>Q1-Q4</p>

# OFFICE OF AIR AND RADIATION

GOAL: Reduce the risks of human exposure to air toxics.

FY 1988 OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
All States and major independent local agencies have an identifiable program for air toxics adequate to implement air toxics regulations and carry out activities as described in the multi-year development plans (MYDPs) consistent with the National Air Toxics Strategy and OAR guidance.	<u>REGIONAL OFFICE</u>		
	1. Report status of adequacy for five components of State and local submitted MYDPs for all applicable agencies.  <u>SPREADSHEET ITEMS</u> (See Definitions Tab)  Adequacy for the five components listed below: <ul style="list-style-type: none"><li>◦ High-risk urban problems</li><li>◦ High-risk point sources</li><li>◦ State and local capabilities</li><li>◦ NESHAPS delegation and enforcement</li><li>◦ Program effectiveness</li></ul>	A-10(R)	Q1-Q4
	2. Report status to remedy deficiencies in MYDP	A-11(R)	Q1-Q4
	3. Report for nontransitory NESHAPS sources <ul style="list-style-type: none"><li>◦ Compliance status</li><li>◦ Inspection frequency</li><li>◦ Status of significant violators (status of Federal facility significant violators will be broken out and reported separately)</li></ul>	A-12(R)	
	4. Report on the status of asbestos demolition and renovation programs <ul style="list-style-type: none"><li>◦ notifications received</li><li>◦ inspections</li><li>◦ sources in violation</li><li>◦ enforcement activity</li></ul>	A-13(R)	Q1-Q4

\* Reporting a "yes" answer for MYDP items indicates compliance with OAR guidance for sufficient and adequate milestone measures for FY 1988. Where FY 1988 guidance is not satisfactory to determine adequacy and/or applicability of MYDP components, case-by-case consultation between Regional Offices and Headquarters will determine SPMS status. This decision process will take into account several factors including: consistency with five major themes, current status of the State and local program, existing commitments established within previously submitted milestones, available funding and resources, potential for State and local activity to have equivalent effect, anticipated air toxics payoff of substitute activities and the severity of the remaining problems.

# OFFICE OF AIR AND RADIATION

GOAL: Eliminate adverse effects on man and the environment from the excessive emission of sulfur oxides.

FY 1988 OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Ensure a fully approvable sulfur dioxide (SO <sub>2</sub> ) control strategy is being developed and implemented.	<p><u>REGIONAL OFFICE</u></p> <p>1. Report the status of SIP revision to address identified regulatory deficiencies.<sup>2</sup></p> <p><u>SPREADSHEET ITEMS</u> (See Definitions Tab)</p> <ul style="list-style-type: none"> <li>◦ Case-by-case analysis of current SIP</li> <li>◦ Identify policy issues and current deficiencies needing resolution</li> <li>◦ Submit schedule to resolve regulatory deficiencies</li> </ul> <p>2. Report for SO<sub>2</sub> sources in nonattainment areas:</p> <ul style="list-style-type: none"> <li>◦ Compliance status of Class A SO<sub>2</sub> SIP sources and SO<sub>2</sub> NSPS sources</li> <li>◦ Inspection frequency for Class A SO<sub>2</sub> SIP sources and SO<sub>2</sub> NSPS sources</li> <li>◦ Status of significant violators (status of Federal facility significant violators will be broken out and reported separately)</li> </ul>	A-14(R)	Q1-Q4
		A-15(R)	Q1-Q4

<sup>2</sup> For management purposes, the OAR expectation for FY 1988 is to complete, at a minimum, the necessary case-by-case analysis of current SIPs and to identify any policy issues needing resolution. The schedules to resolve the regulatory deficiencies may extend beyond FY 1988, although the actions should be completed as soon as possible.

OFFICE OF AIR AND RADIATION

GOAL: Maintain a credible enforcement program by the issuance of enforcement actions.

FY 1988 OBJECTIVE	MEASURE	SPMS CODE FREQUENCY
<p>Maintain an appropriate level of enforcement by EPA and State and local agencies.</p>	<p>REGIONAL OFFICE</p> <ol style="list-style-type: none"> <li>1. Report on the status of enforcement actions               <ul style="list-style-type: none"> <li>° State and EPA administrative actions</li> <li>° State civil and criminal actions (UECM reports EPA civil actions)</li> </ul> </li> <li>2. Status of remaining significant violators* (status of Federal facility significant violators will be broken out and reported separately)</li> </ol>	<p>A-16(R)</p> <p>Q1-Q4</p> <p>A-17(R)</p>

\* Significant violators other than VOC, TSP, SO<sub>2</sub> and NESHAPS.

OFFICE OF AIR AND RADIATION

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Develop mitigation technologies and information for States in dealing with indoor radon problems	<p align="center"><u>OAR</u></p> <p>° Report on the Radon Action Program's assistance to States, including the following areas:</p> <ul style="list-style-type: none"> <li>(a) Assessment of the nature and extent of radon problems.</li> <li>(b) Demonstration projects on mitigation and prevention of radon problems in existing homes and new construction.</li> <li>(c) Training of State officials.</li> <li>(d) Information for use by States in dealing with homeowners on radon problems.</li> </ul>	A-18(H)	Q1-Q4
Establish State programs to assess indoor radon levels.	<p align="center"><u>OAR</u></p> <p>o Report on States' progress in establishing radon programs, including the following areas:</p> <ul style="list-style-type: none"> <li>(a) Identifying locales where elevated levels of indoor radon are likely to occur.</li> <li>(b) Training of State personnel and private contractors on radon diagnosis and mitigation techniques.</li> <li>(c) Development of materials and/or distribution of information to homeowners.</li> <li>(d) Establishment of State capability to analyze exposed radon testing devices</li> </ul>	A-18(R)	Q1-Q4

DEFINITIONS TAB: SPREADSHEET ITEMS

1. Emission Inventory Completed (PM<sub>10</sub>): The inventory of emissions from sources impacting Group I areas is sufficient to develop a control strategy. (Yes/No)
2. Emission Inventories Completed (ozone): The VOC and NO<sub>x</sub> emission inventories have been updated in those ozone nonattainment areas for which section 105 grant funds have been allocated for this purpose. As a minimum, emissions from TSDFs and POTWs were accounted for, and mobile source emissions were updated using the most current version of the MOBILE model. (Yes/No)
3. Determined Design Concentration: The design concentration for Group I areas has been determined, in accordance with PM<sub>10</sub> SIP Development Guideline (to be published no later than third quarter of FY 1987). (Yes/No)
4. Control Strategy Demonstration: Adequate control measures have been documented for Group I areas to demonstrate attainment and maintenance of the standard by the statutory date. (Yes/No)
5. Draft Plan Submitted to the Regional Offices: A draft has been submitted of the regulatory language required for Group I and II areas by the preconstruction review programs and air monitoring programs and the regulatory language required for Group I areas by the control strategy. (Yes/No)
6. Review of Effectiveness Checklist: The final plan submitted has been reviewed for adequacy in accordance with the effectiveness checklist (to be prepared by the end of the fourth quarter of FY 1987). (Yes/No)
7. Public Hearing Scheduled: A firm date for holding public hearings on SIP revisions for Group I areas has been scheduled. (Yes/No)
8. State Board Review: The State Board has reviewed the SIP revisions. (Yes/No)
9. State Board Approval: The State Board approved the SIP revisions. (Yes/No)
10. Final Plan Submitted: Date of submittal is final. (Yes/No)
11. Correction of Deficiencies in Effectiveness Checklist: Deficiencies identified by effectiveness checklist will be or were corrected. (Yes/No)
12. Group II Committal SIP: A letter of commitment by the State to take five actions as specified in the preamble to the notice of final rulemaking for Parts 51 and 52, and in Chapter 7 of the PM<sub>10</sub> SIP Development Guideline. (Yes/No)

13. Case-by-Case Analysis of Current SIP: [The level and scope of the case-by-case analysis (i.e., all source specific limits? all power plant limits? all power plants >XTPY?) is still under discussion.]
14. Identify Policy Issues and Current Deficiencies Needing Resolution: The major sulfur dioxide policy issues relate to sulfur variability. These include: the method by which sulfur variability will be recognized in determining and specifying emission limits and the method by which compliance with those limits will be determined. The Agency's policies on these questions are being considered in the context of the NAAQS and associated Part 51 review.
15. Submit Schedule to Resolve Regulatory Deficiencies: A schedule with a minimum of three milestones (e.g., dates for discussions with State, clear policy implications, submissions of new regulatory language). (Yes/No)
16. High-Risk Urban Areas: Adequate urban workplans, where applicable, have been submitted and are being implemented on an acceptable timetable and in coordination with ongoing SIP activities. (Yes/No)
17. High-Risk Point Sources: A reasonable number of new candidates are being screened and appropriate follow-up action is being taken for previously identified high-risk point sources (including promoted and State/local initiatives). (Yes/No)
18. State and Local Capabilities: An adequacy review of technical, legal, and resource capabilities relative to toxics problem has been completed and needed improvements are being made. Adequate support to the national program is being provided. (Yes/No)
19. Program Effectiveness: An initial evaluation of current program effectiveness in accomplishing air toxics objectives and a workplan for needed enhancement of the present program has been completed. (Yes/No)
20. NESHAP: Responsibility for implementation of any applicable NESHAP has been delegated and necessary improvements in enforcement of current NESHAPs are being accomplished. (Yes/No)
21. Report on Status of NAMS and SLAMS Network Approvals:

Adequacy - Each State must submit NAMS and SLAMS network descriptions six months after promulgation of PM<sub>10</sub> regulations. Checklist for adequate descriptions and criteria for network design are contained in Part 58 regulations (Sections 58.20, 58.31 and Appendix D). RAS approve SLAMS, MDAD approves NAMS based upon compliance with Part 58 requirements.

22. Urbanized Areas (>100K population) with Approved Network of NAMS Sampler Operating at Required Frequency:

Adequacy - Approved NAMS network description will contain number of samplers and required frequency for each urbanized area. The specific requirements for a given urban area are based on its 1980 population and on the magnitude of recent ambient air quality concentrations monitored in the area.

23. Group I Areas with Approved Number of PM<sub>10</sub> Sites Operating at Required Frequency:

Adequacy - Approved SLAMS network description will serve as the baseline for determining compliance with this measure. Group I areas should be identified along with proposed SLAMS sampler.

24. Group II Areas (etc.):

Adequacy - Same as Group I above.

25. Ratio of Number of Operating NAMS Reporting at Least 75 Percent of Scheduled Data Values to Number of PM<sub>10</sub> Operating NAMS:

Adequacy - Data submittal and completeness will be determined relative to the number of PM<sub>10</sub> samplers actually operating. Since NAMS data is reported 120 days after the end of the quarter during which it was collected, the quarterly SPMS completeness assessments will be based on data for the quarter ending six months before.

State Administrative Actions Requirements

Administrative actions should contain provisions that, at a minimum:

- Explicitly require recipient to take some corrective/remedial action, or refrain from certain behavior, to achieve or maintain compliance;
- Explicitly are based on the issuing Agency's determination that a violation has occurred;
- Require specific corrective actions, or specify a desired result that may be accomplished however the recipient chooses, and specify a timetable for completion;
- May impose requirements in addition to ones related directly to correction (e.g., specific monitoring, planning or reporting requirements); and
- Contain requirements that are independently enforceable without having to prove original violation and subject the person to adverse legal consequence for noncompliance.

### Definition of Significant Violator

One of the objectives of the Strategic Planning and Management System for FY 1988 is that resources be used to address significant air violators and return them to compliance. This is designed to ensure that resources are used in the most environmentally-beneficial manner. A violator is deemed a significant violator if it meets any one or more of the following criteria:

1. A source in violation of a NESHAPS, other than a source violating asbestos demolition and renovation requirements. (Because of the transitory nature of asbestos demolition/renovation activities, they are not easily susceptible to tracking under the significant violator program. However, because of their environmental significance, they are being tracked in a separate SPMS reporting requirement.);
2. A source in violation of new source requirements, including NSPS, PSD, and Part D nonattainment permitting requirements;
3. A Class A source in violation of a SIP if the source is located so as to impact a nonattainment area and is in violation for the pollutant for which the area is nonattainment;
4. A source in violation of Federal consent decree or administrative order; or
5. A Class A Federal facility violator.

The significant violator program is intended to identify the highest priority sources for the air compliance program and to provide a special tracking system for resolving violations by these sources. The criteria listed above are in no way intended to preclude EPA enforcement activity against violating sources which do not meet the criteria (e.g., violating Class A1 SIP sources in attainment areas) if the State has not taken or is not taking appropriate action and if such actions will not detract from the significant violator program.

## AIR - COMPLIANCE AND ENFORCEMENT DEFINITIONS

### Definition of Minimally-Acceptable Inspection (a Level II Inspection)

A minimally-acceptable State or local compliance inspection is an onsite visit to the operating source to assess compliance with at least applicable Federal air pollution control requirements. At a minimum, a compliance inspection must be performed for all Federally-regulated air pollutants emitted by the source. Also, a source that is regulated for visible emissions must be evaluated using an acceptable reference method. Where a source is Federally-regulated for more than opacity, a compliance inspection involving only a visible emissions observation is not generally considered to be a minimally-acceptable compliance inspection.

As part of the source compliance inspection, an inspector must record the process operating conditions and, if appropriate, the control device conditions to determine if any significant change has occurred since the last inspection or any process or control operation outside normal or permitted conditions has occurred. It is expected that minimally-acceptable compliance inspections would also include at least an operations log check of process and control equipment including continuous emission monitoring systems logs. It should be noted that these requirements for a minimally-acceptable inspection do not require the direct measurement of operating conditions by the inspector.

OFFICE OF WATER

STRATEGIC PLANNING AND MANAGEMENT SYSTEM

FY 1988 MEASURES

THE AGENCY IS CONSIDERING ELIMINATING ONE OR MORE OF THE MEASURES AS NOTED FROM SPMS. A FINAL DECISION WILL BE MADE IN APRIL AND ISSUED WITH ADDITIONAL MEASURES TO INCLUDE THE NEW PROVISIONS OF THE AMENDED CLEAN WATER ACT.

DEFINITIONS FOR THESE MEASURES ARE FOUND IN THE OFFICE OF WATER EVALUATION GUIDE FOR FY 1988.

OFFICE OF WATER

Program: Public Water System Supervision

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Ensure compliance with existing drinking water standards.	<u>IDENTIFYING SNCs:</u>		
	<p>1. All Micro, All Turbidity, &amp; TTHM M/R [DYNAMIC BASE] Track, by Region, the number of community water systems that are SNCs of a microbiological MCL and/or M/R requirement, a turbidity MCL and/or M/R requirement, or a TTHM M/R requirement. Report as one number. Establish a target for the percent change in the number of SNCs occurring as of 6/30/87 versus those occurring as of 6/30/88. (Note: Data are lagged one quarter.)</p>	DW/E-1	10/1/87 and Q 1,2,3,4
	<p>2. All Chems &amp; Rads (other than TTHM M/R) [FIXED BASE] Track, by Region, the number of community water systems that are significant noncompliers of an inorganic, radiological, or organic (other than TTHM monitoring) requirement Report as one number. (Note: data are lagged 1 quarter.)</p>	DW/E-2	Q 2
	<u>MEASURING TIMELY &amp; APPROPRIATE RESPONSE TO SNCs</u>		
	<p>1. All Micro, All Turbidity, and TTHM M/R [DYNAMIC BASE]</p> <p>a. Track, by Region, the number of the community water systems contained in the dynamic base of SNCs two quarters ago which have a) returned to compliance, or b) have not returned to compliance but had an appropriate enforcement action taken against them. (Note: Data are lagged one quarter.)</p>	DW/E-3	Q 1,2,3,4
	<p>2. All Chems and Rads (other than TTHM M/R) [FIXED BASE]</p> <p>a. Track, by Region, the number of community water systems contained in the second quarter FY '87 fixed base which have a) returned to compliance, or b) have not returned to compliance, but had an appropriate enforcement action taken against them. (Note: Data are lagged one quarter.)</p>	DW/E-4	Q 1,2

Program: Public Water System Supervision

**\*Including proposed Administrative Orders in SPMS is under review. Reporting on them will remain in the Office of Water Accountability System.**

OFFICE OF DRINKING WATER

Program: Drinking Water, Underground Injection Control Program

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Issue Underground Injection Control (UIC) permits expeditiously.	Track, by Region, progress against quarterly targets for the number of UIC permit determinations for existing and new Class I wells made by EPA and the number made by primary States. (Report permit determinations for new and existing wells separately. Note: data are lagged one quarter for States.)	DW-1	Q 1,2,3,4
Assure the mechanical integrity of existing wells.	Track, by Region, progress against quarterly targets for the number of UIC permit determinations for existing and new Class II, III, and V wells (as applicable) made by EPA and the number made by primary States. (Report permit determinations for new and for existing wells and for each well class separately. Provide the number of wells affected by these determinations. Note: data are lagged one quarter for primary States.)	DW-2	Q 1,2,3,4
Protect health and environment from hazardous waste injection.	Track, by Region, progress against quarterly targets for the number of existing Class II wells that have had mechanical integrity tests performed by operators and verified by EPA in direct implementation States and the number performed by operators and verified by the States in primary States. (Note: data are lagged one quarter for primary States.)  Track, by Region, progress against targets for the number and percentage of Class I hazardous waste injection wells where corrective action plans have been completed or necessary corrective action measures have been implemented. (Note: data are lagged one quarter for primary States.)  Track, by Region, progress against targets for the number of Class I hazardous waste injection wells for which land ban petitions have been received and processed.	DW-3	Q 1,2,3,4
		DW(HW)-4	Q 1,2,3,4
		DW(HW)-5	Q 1,2,3,4

OFFICE OF WATER

Program: Drinking Water, Underground Injection Control Program

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain high levels of compliance in the UIC Program.	<p align="center"><u>COMPLIANCE</u></p> <p>Track, by Region, for primacy and for direct implementation States, for Class I, II, III, IV and V wells, the number of SNCs discovered. (Note: data are lagged one quarter for primacy States.)</p>	DW/E-7	Q 1,2,3,4
	<p>*Track, by Region, for primacy and for direct implementation States, the number and percentage of wells that failed MIT, other than those in SNC, that have not had a formal enforcement action or returned to compliance within 90 days. (Note: data are lagged one quarter for primacy States.)</p>	DW/E-8	Q 1,2,3,4
	<p align="center"><u>EXCEPTIONS LIST UNIVERSE AND TRACKING</u></p> <p>Track the number and percentage of wells, for primacy and for direct implementation States, reporting significant violations and appearing on two or more consecutive reports which have (1) returned to compliance, and, if have not returned to compliance, (2) have not had a formal enforcement action, or (3) have had with a formal enforcement action (list separately by well class). (Note: data are lagged one quarter for primacy States.)</p>	DW/E-9	Q 1,2,3,4
Achieve and maintain high level of compliance in the UIC Program.	<p align="center"><u>INSPECTIONS</u></p> <p>Track, by Region, progress against quarterly targets for the number of wells with field inspections conducted by EPA and by primacy States. (Note: data are lagged one quarter for primacy States.)</p>	DW/E-10	Q,1,2,3,4

\* This measure is under review for SPMS. It will remain in the Office of Water Accountability System.

Program: Drinking Water, Underground Injection Control Program

\* Including proposed Administrative Orders in SPMS is under review. Reporting on them will remain in the Office of Water Accountability System.

OFFICE OF WATER

Program: Ground-Water Protection\*

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Designate Sole Source Aquifers (SSAs)	Provide information on the number of designation petitions received, approved, denied, determined incomplete and returned to applicant.	GW-1	Q 2,3,4
Implement the Wellhead Protection Program	Track, against targets** established for each region, the number of State program applications received. Report on the number of program applications approved and funded and the number of program applications recommended for disapproval by the Administrator.	GW-2	Q 1,2,3,4

\* If funding for the implementation of the Sole Source Aquifer Demonstration Program were provided in FY 1988, another SPMS measure on this program would be issued in supplemental guidance.

\*\* A target of not less than 40% of the States in each region is expected in FY 88. This figure is consistent with estimates provided by the regions during the FY 88 budget formulation process.

OFFICE OF WATER

Program: Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Assess toxicity control needs and reissue major permits in a timely manner.	Track, against targets, the number of permits reissued to major facilities during FY 88 (NPDES States and non-NPDES States).	WQ-1	Q 1,2,3,4
Assure NPDES permits are fully in effect and enforceable.	Identify the number of permits reissued to major facilities that reflect water quality-based assessments for toxics (NPDES States and non-NPDES States).  Identify, by Region, the number of pending evidentiary hearing requests for which EPA is responsible and the number for which NPDES States are responsible as of the beginning of FY 1988.  Track, by Region, progress against quarterly targets for the evidentiary hearing requests pending at the beginning of FY 1988 resolved by EPA and for the number resolved by NPDES States.  Track, by Region, against quarterly targets, the number of: 1) audits of approved local pretreatment programs conducted by EPA and the number conducted by approved pretreatment States; and 2) approved local pretreatment inspections conducted by EPA and the number conducted by the States for POTWs.  Track, by Region, against quarterly targets, number of pretreatment POTWs which Regions/States determine have issued adequate control mechanisms (Regions, pretreatment States separately).	WQ-2  WQ(ORC)-3  WQ(ORC)-4  WQ-5  WQ-6	Q 1,2,3,4  10/15/87  Q 1,2,3,4  Q 1,2,3,4  Q 1,2,3,4

OFFICE OF WATER

Program: Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Implement the National Municipal Policy	<u>NATIONAL MUNICIPAL POLICY - MCPs and Violations of MCPs</u>		
	Identify, by Region, the number of noncomplying water quality affected minor municipal facilities needing construction (i.e., needing MCP enforceable schedules as of 10/1/87).	WQ-7	10/15/87
	Track, by Region, against targets the number of water quality affected minor municipal facilities needing construction placed on enforceable schedules (i.e. MCPs)	WQ-8	Q 1,2,3,4
	Identify, by Region, the number of major municipalities on MCPs that are not in compliance with their schedule (report EPA/State separately)	WQ-9	Q 1,2,3,4
	Report, by Region, the number of facilities addressed by enforcement actions against major municipalities that are not complying with their schedules (report State/EPA separately)	WQ-10	Q 1,2,3,4
POTW Compliance with RCRA Corrective Action Requirements	Of those POTWs which receive hazardous wastes by truck, rail or dedicated pipe, track against targets the total number of determinations made. Report determinations by: 1) number of determinations made that there is no need for corrective actions; and 2) number of determinations that there is a need for corrective actions.	WQ(HW)-11	Q 1,2,3,4

OFFICE OF WATER

Program: Office of Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain high levels of compliance in the NPDES Program.	<p><u>COMPLIANCE:</u> Data is lagged one quarter.</p> <p>Track, by Region, the number and percent of major industrial facilities in NPDES and non-NPDES States in significant noncompliance. (Report NPDES and non-NPDES States separately).</p> <p>Track, by Region, the number and percent of major municipal facilities in NPDES and non-NPDES States in significant noncompliance. (Report NPDES and non-NPDES States separately.)</p> <p>Track, by Region, the number and percent of major Federal facilities in NPDES and non-NPDES States in significant noncompliance. (Report NPDES and non-NPDES States separately).</p>	WQ/E-1	Q 1,2,3,4
Achieve and maintain high levels of compliance in the NPDES program.	<p><u>EXCEPTIONS REPORTING:</u> Data is lagged one quarter.</p> <p>Identify, by Region, the number of major industrial facilities in significant non-compliance on two or more consecutive QNCRs without returning to compliance or being addressed by a formal enforcement action (persistent violators), and the number of consecutive quarters each facility has appeared on the QNCR.</p> <p>Report, by Region, the number of major industrial facilities that are on the previous exception list which have returned to compliance during the quarter, the number not yet in compliance but addressed by a formal enforcement action by the Quarterly Noncompliance Report completion date, and the number that were unresolved. (After a facility has been reported as returned to compliance or addressed by a formal enforcement action, it should be dropped from subsequent lists.)</p>	WQ/E-4	Q 1,2,3,4
		WQ/E-5	Q 1,2,3,4

OFFICE OF WATER

Program: Office of Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain high levels of compliance in the NPDES program. (continued)	Identify, by Region, the number of major municipal facilities in significant non-compliance on two or more consecutive QNCRs without returning to compliance or being addressed by a formal enforcement action (persistent violators), and the number of consecutive quarters each facility has appeared on the QNCR.	WQ/E-6	Q 1,2,3,4
	Report, by Region, the number of major municipal facilities that are on the previous exception list which have returned to compliance during the quarter, the number not yet in compliance but addressed by a formal enforcement action by the Quarterly Noncompliance Report completion date, and the number that were unresolved. (After a facility has been reported as returned to compliance or addressed by a formal enforcement action, it should be dropped from subsequent lists.)	WQ/E-7	Q 1,2,3,4
	Identify, by Region, the number of major Federal facilities in significant noncompliance on two or more consecutive QNCRs without returning to compliance or being addressed by a formal enforcement action (persistent violators), and the number of consecutive quarters each facility has appeared on the QNCR.	WQ/E-8	Q 1,2,3,4
	Report, by Region, the number of major Federal facilities that are on the previous exception list which have returned to compliance during the quarter, the number not yet in compliance but addressed by a formal enforcement action by the Quarterly Noncompliance Report completion date, and the number that were unresolved. (After a facility has been reported as returned to compliance or addressed by a formal enforcement action, it should be dropped from subsequent lists.)	WQ/E-9	Q 1,2,3,4

OFFICE OF WATER

Program: Office of Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain high rates of compliance in the NPDES Program through enforcement action.	<p><u>ENFORCEMENT ACTIVITY:</u> Data is for current quarter.</p> <p>Report, by Region, the total number of EPA Administrative Orders and the total number of State equivalent actions issued; of these report the number issued to POTWs for not implementing pretreatment. Report the number of Administrative Orders with penalties issued for NPDES, pretreatment, and wetlands violations.</p>	WQ/E-10	Q 1,2,3,4
Effectively enforce the pretreatment program.	<p>Report, by Region, the total number of civil referrals sent to State Attorneys General and the number of criminal actions filed in State Courts. (OECS will report EPA referrals.)</p> <p>Identify, by Region, the number of approved POTWs whose compliance assessment process for IUS is inadequate. Track, by Region, the number of the above for which appropriate action (technical assistance, permit modification or enforcement) has been taken and the inadequacies have been eliminated.</p> <p>Identify the number of POTWs meeting the criteria for reportable noncompliance and track the number where formal enforcement actions are taken.</p>	WQ/E-11	Q 1,2,3,4
		WQ/E-12	Q 1,2,3,4
Identify compliance problems and guide corrective actions through inspections.	<p>Report, by Region, the number of State civil referrals sent to State Attorney Generals and the number of criminal actions filed in State Courts. (OECS will report EPA referrals)</p> <p><u>NPDES INSPECTIONS</u> - major facilities</p> <p>Track, by Region, against targets the number of major permittees inspected at least once (Combine EPA and State inspections and report as one number.)</p>	WQ/E-13	Q 1,2,3,4
		WQ/E-14	Q 1,2,3,4
		WQ/E-15	Q 1,2,3,4

OFFICE OF WATER

Program Area: Water Quality Standards, Planning and Assessment

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<p>Conduct water quality assessments to identify problems and determine effectiveness of water pollution control programs.</p>	<p>Provide the number of stream segments and stream miles, lakes acres, estuary square miles, coastal miles, and Great Lakes shore miles assessed in each State in FY 1988. Identify the number assessed, and the number that is supporting/partially supporting/not supporting designated uses as reported in the FY 1988 305(b) Report and 205(j) updates. Identify by nonpoint source category, the number of stream miles, lake acres, estuary square miles, and Great Lakes shore miles not fully supporting designated uses due to nonpoint sources of pollution.</p> <p>An additional measure will be included to incorporate nonpoint source requirements of the Clean Water Act amendments.</p>	<p>WQ-12</p> <p>WQ-13</p>	<p>Q4</p>

OFFICE OF WATER

Program: Surface Water Toxics Control Initiative

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
	<p>This section will list SPMS measures related to States incorporating toxic criteria into water quality standards, EPA/State issuance of NPDES permits for controlling toxics, and State assessments of and action plans for State toxics control programs. It will include WQ-2 and additional measures to be developed which will incorporate the new requirements of the Clean Water Act amendments.</p>		

OFFICE OF WATER

Program: Marine and Estuarine Protection

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Expedite 301(h) decisions and permit issuance.	Track, by Region, progress against quarterly targets for: - number of permits issued reflecting decisions.	WQ-14	Q 1,2,3,4
Prepare environmental impact statements and rule making packages for ocean dumping site designation.	Track, by Region, progress against quarterly targets for: - number of draft environmental impact statements, - number of final environmental impact statements, and - number of sites designated.	WQ-15	Q 1,2,3,4

OFFICE OF WATER

Program: Municipal Pollution Control

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Improve Program Management	*Track, by Region, progress against quarterly targets for net outlays.	WQ-16	Q 1,2,3,4
Expeditionously Complete and Closeout Projects	*Track, by Region, progress against quarterly targets for number of assistance disputes (arising under 40 CFR Part 30, Subpart L) filed before mid-year FY'88, for which decisions are issued by the RA, or are settled or withdrawn. (This measure includes all Part 30, Subpart L disputes across Regional programs and involves support from various Regional offices, particularly Regional Counsel. It appears in the Water Quality Section since the majority of disputes are related to construction grants and the Agency has no multi-media SPMS section.)	WQ(ORC)-17	Q 1,2,3,4
Manage Transition to State/ Local self-sufficiency	†Track, by Region, progress against quarterly targets for administratively completing Step 1, Step 2, Step 2&3, Step 3, and P.L. 84-660 projects.	WQ-18	Q 1,2,3,4
	Track, by Region, progress against quarterly targets for the number of Construction Grants NMP projects which initiate operation during FY'88.	WQ-19	Q 1,2,3,4

\* These measures are under review for SPMS. They will remain in Office of Water Accountability System.

† This measure will remain in SPMS if a backlog exists for FY '88.

OFFICE OF WATER

Program: Wetlands Protection

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<p><u>Dredge and Fill Program -</u></p> <p>Reduce and prevent the loss of wetlands and other special aquatic sites by avoiding losses whenever there is a practicable alternative, by preventing significant degradation, and by achieving no net loss for unavoidable impacts as a result of EPA activities.</p>	<p>Number of acres of wetlands, and other special aquatic sites, at risk within the scope of EPA activities.</p> <p>Number of acres of wetlands loss, and loss of other special aquatic sites acreage avoided as a result of EPA activities.</p>	WQ-20	Q 1,2,3,4
<p>Protect the most important wetlands and other special aquatic sites.</p>	<p>Track progress against targets for the number of advanced identification actions initiated (under S230.80, S404(c) or a Special Area Management Plan) for the protection of wetlands and other special aquatic sites (Report by number and type e.g. major and minor.)</p>	WQ-21	Q 1,2,3,4
	<p>Number of advanced identification actions completed. (Report by number and type e.g. major and minor)</p>	WQ-22	Q 1,2,3,4

OFFICE OF WATER

Program: Wetlands Protection

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<p>Manage an effective \$404 compliance/enforcement program.</p>	<p>SIGNIFICANT VIOLATORS-Dynamic Base</p> <p>A. Report by Region as of October 1, 1987 the number of:</p> <ul style="list-style-type: none"> <li>(i) significant violator sites detected for which no formal action has yet been taken and</li> <li>(ii) significant violator sites addressed by formal enforcement action (either EPA or Corps) and still pending.</li> </ul> <p>B. Report quarterly by Region the incremental number of:</p> <ul style="list-style-type: none"> <li>(i) enforcement field investigations conducted during the quarter;</li> <li>(ii) significant violator sites detected for which no formal enforcement action has yet been taken by the end of the quarter;</li> <li>(iii) significant violator sites addressed by formal enforcement action (EPA or Corps) during the quarter;</li> <li>(iv) significant violator sites resolved by formal enforcement action during the quarter; and</li> <li>(v) significant violator sites otherwise resolved during the quarter subdivided into three categories:               <ul style="list-style-type: none"> <li>a. voluntary restoration/correction of problem</li> <li>b. after-the-fact permit with restoration or mitigation</li> <li>c. after-the fact permit</li> </ul> </li> </ul>	<p>WO/E-16</p>	<p>Q1</p> <p>Q 1,2,3,4</p>

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE  
STRATEGIC PLANNING AND MANAGEMENT SYSTEM

FY 1988 MEASURES\*

\*FY 1988 SPMS MEASURES FOR RCRA ARE CURRENTLY UNDER REVIEW AS PART OF THE RCRA IMPLEMENTATION PLAN. FINAL MEASURES WILL BE ISSUED IN APRIL. A SUPPLEMENT TO THIS WILL BE PRINTED WHEN THE FINAL MEASURES ARE AVAILABLE.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program: Superfund

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Complete identification and assessment of uncontrolled hazardous waste sites in a timely manner.	Number of sites with completed Preliminary Assessments (PA)/ Year to Date.*  Number of sites with completed Site Inspections (SI)/ Year to Date.*	S/F-1  S/F-2	Q 1,2,3,4 By Regions  Q 1,2,3,4 By Regions
Focus removal action on the most serious incidents that require Federal Government participation and leadership.	Number of first removal starts at NPL sites./ Report against combined target for Fund-financed and PRP. Year to Date.*  Number of subsequent removal starts at NPL sites./ Report against combined target for Fund-financed and PRP. Year to Date.*	S/C-3a  S/C-3b	Q 1,2,3,4 By Regions  Q 1,2,3,4 By Regions
Implement an integrated program that effectively utilizes both Fund resources and PRP participation to support and implement RI/FS activities.	Number of NPL sites stabilized via a removal action./ Report against combined target for Fund-financed and PRP. Year to Date.*  Number of NPL sites where RI/FS has been started./ Report against combined target for Fund-financed and PRP. Year to Date.  -- First funding or settlement for first RI/FS at site.*  -- First funding or settlement for subsequent RI/FS at site.*	S/C-4  S/C-5  (a) (b)	Q 1,2,3,4 By Regions  Q 1,2,3,4 By Regions
	* This measure requires regional targets. / Definition at end of program measures.		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program: Superfund

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Implement an integrated Superfund effort that focuses both programs toward selection of remedy following the completion of the RI/FS stage.	<p>Number of remedies selected at NPL sites. Report against combined target for RODs and EDDs./ Year to date.</p> <ul style="list-style-type: none"> <li>- First ROD or EDD at NPL site.*</li> <li>- Subsequent RODs or EDDs at NPL site.*</li> </ul>	S/C-6  (a) (b)	Q 1,2,3,4 By Region
Implement a cost-effective remedial construction program.	<p>Number of NPL sites where remedial action activity has been started./ Year to date.</p> <ul style="list-style-type: none"> <li>- First funding for the first remedial action at an NPL site*</li> <li>- First settlement for the first remedial action at an NPL site*</li> <li>- First funding for a subsequent remedial action at an NPL site*</li> <li>- First settlement for a subsequent remedial action at an NPL site*</li> </ul> <p>Number of sites where all remedial implementation has been completed./ Year to date.*</p>	S/C-7  (a) (b) (c) (d)	Q 1,2,3,4 By Region
	<p>* This measure requires regional targets. / Definition at end of program measures.</p>	S/C-8	Q 1,2,3,4 By Region

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program: Superfund

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Complete cleanup and delete sites from the NPL.	<p>Number of sites where the NPL deletion process has been initiated./ Year to date* Report on both Fund-financed and PRP-financed NPL deletions.</p> <p>* This measure requires regional targets. / Definition at end of program measures.</p>	S/C-9	Q 1,2,3,4 By Region

## Superfund Definitions

Number of sites with Preliminary Assessments (PA) - A PA is completed when:

- 1) A PA report has been received by the Region from FIT or the State, and 2) the PA report has been reviewed and approved by the appropriate Regional official, and 3) the PA report has been recorded in CERCLIS.

Number of sites with completed Site Inspection (SI) - A SI is completed when:

- 1) A SI report has been received by the Region from FIT or the State, and 2) the SI report has been reviewed and approved by the appropriate Regional official, and 3) the SI report has been recorded in CERCLIS.

Number of first removal starts at National Priority List (NPL) sites - Number of National Priorities List (NPL) sites (final and proposed) where onsite removal activity has begun and there has been no prior removal activity under the direction of EPA or through a PRP settlement.

Fund-Financed: A Fund removal counts toward this target when the following conditions obtain:

- 1) The action memo has been approved by the OSC or RA or AA, and 2) a contract has been signed for an EPA or U.S.C.G. onsite removal, and 3) the obligation(s) for the removal has either been recorded in FMS or have been reported and documented in supplemental Regional financial reports or when OSC activates 350K, and 4) there is no settlement with a PRP or the PRP is not in compliance with a unilateral order, AO or consent decree and EPA or the Coast Guard is doing the removal, and 5) onsite removal work has begun, and 6) there has been no previous Fund-financed or PRP removal activity at the site taken under CERCLA, and 7) the site was on the final NPL or the proposed NPL when the removal action was initiated.

PRP financed:

A PRP removal counts toward this measure when:

- 1) there has been no prior Fund-financed or PRP removal activity at a site, and 2) there is an administrative order on consent, a unilateral order where PRPs are in compliance, a consent decree or consent agreement with PRPs requires a removal action. The date of settlement will be considered the start date for the PRP removal.

If a PRP takes over a Fund removal action, the Fund shall receive credit for a first removal start and completion. The completion date will be the PRP takeover date. The PRP removal action will be considered a subsequent start. Should the Fund take over a subsequent PRP removal action, all Fund actions will be considered as a subsequent Fund-financed removal.

Number of subsequent removal starts at National Priorities List (NPL) sites - Number of National Priorities List (NPL) sites (final and proposed) where onsite removal activity has begun and there has been prior onsite removal activity by the Fund or PRP. This a measure not a target.

Fund-Financed:

Fund removals count towards this measure when:

1) the action memo is approved by the OSC or RA or AA, and 2) a contract has been signed for an EPA or U.S.C.G. onsite removal, and 3) the obligation(s) for the removal has either been recorded in FMS or have been reported and documented in supplemental Regional reports or when OSC activates \$50K, and 4) there is no settlement with a PRP or the PRP is not in compliance with a unilateral order, AO or consent decree and EPA or the Coast Guard is doing the removal, and 5) onsite removal work has begun, and 6) there has been previous Fund-Financed or PRP onsite removal activity at the site, and 7) the site was on the final NPL or the proposed NPL when the subsequent removal action was initiated.

PRP-Financed:

A PRP removal counts toward this measure when:

1) there has been prior Fund-financed or PRP removal activity at a site, and 2) there is an administrative order on consent, a unilateral order where PRPs are in compliance, a consent decree or consent agreement with PRPs requires a removal action. The date of settlement will be considered the start date for the PRP removal.

If a PRP takes over a Fund removal action, the Fund shall receive credit for a first removal start and completion. The completion date will be the PRP takeover date. The PRP removal action will be considered a subsequent start. Should the Fund take over a subsequent PRP removal action, all Fund actions will be considered as a subsequent Fund-financed removal.

Number of NPL sites stabilized via a removal action -

Fund-financed:

A site is stabilized when the first emergency response or removal activity has been completed by EPA, even if the OSC determines that additional removal or remedial work may be necessary. A site counts as an NPL stabilization only if it was on the final or proposed NPL list the day the removal started. A removal ends the day the cleanup contractor demobilizes at the site and completes the scope of work identified in the original or modified action memorandum. In the event of a restart at an NPL site, the site is no longer considered "stabilized" until the restart has been completed.

PRP-Financed:

A site is stabilized when the government has certified that potentially responsible parties have completed a removal action under the terms of an administrative order, consent decree, consent agreement or a judgment, even if the OSC determines that additional removal or remedial work may be necessary.

Number of NPL sites where the RI/FS has been started - The total number of National Priorities List (NPL) sites (final and proposed) that are to have a first RI/FS (i.e. there has been no prior RI/FS activity).

Fund-Financed:

A Fund (Program or Enforcement) RI/FS start is counted when:

- 1) Either a contract has been signed by the PCMD or a cooperative agreement has been signed by the Regional Administrator to conduct a RI/FS, and 2) obligations have either been recorded in FMS or have been reported and documented in supplemental Regional reports as of the end of the reporting period or have been reported in Technical Enforcement Support contract status reports, and 3) there is no prior settlement with a PRP for a RI/FS.

For Program and Enforcement lead RI/FS, the start date is defined as the first obligation date for a RI, FS or RI/FS. Obligations for forward planning activities and community relations planning do not constitute a RI/FS start. State lead or State Enforcement lead RI/FS, where the State has taken the lead at a NPL site for a RI/FS through a Program funded cooperative agreement or an Enforcement funded cooperative agreement or enforcement Memorandum of Understanding (MOU), count toward the Program and Enforcement targets respectively. The start date would be the obligation date for the CA or the date the RA signs the MOU.

PRR-Financed:

A PRP lead RI/FS occurs at a site where there has been no Fund obligations for a RI, FS or RI/FS (see above) and there is a settlement for a RI/FS. The start date is defined as the signature date by the appropriate official or party (e.g. the RA, DOJ, private party) on the Administrative Order on Consent, Consent Decree or Consent Agreement for the PRP to conduct the RI/FS. (If there is a settlement for multiple operable units, the start date for the first RI/FS would be the last signature date by the appropriate federal agency or party. be sent to Headquarters stating that a later operable unit has begun under a previously recorded order. Hard copy is not required to back up this form.

A shift between Program or Enforcement and PRP RI/FS can occur when there has been a Fund obligation and work has not proceeded beyond the RI/FS Workplan Approval stage. If a PRP takes over a RI/FS before or at this juncture, the RI/FS lead at this site should be changed from the Fund to PRP. If the PRP begins the RI/FS and it is subsequently taken over by the Fund the same criteria apply.

First funding or settlement for subsequent RI/FS at site - Sites at which there have been previous RI/FS activity by the Fund or a PRP and there is to be a second or subsequent RI/FS.

Fund-Financed:

A Fund (Program or Enforcement) subsequent RI/FS start is counted when:

- 1) Either a contract has been signed by the PCMD or a cooperative agreement has been signed by the Regional Administrator to conduct a RI/FS; and 2) obligations have either been recorded in FMS or have been reported and documented in supplemental Regional reports as of the end of the reporting period or have been reported in Technical Enforcement Support contract status reports, and 3) there is no settlement with a PRP for a RI/FS.

For Program and Enforcement lead RI/FS, the start date is defined as the first obligation date for the second or subsequent RI/FS. State enforcement lead RI/FS, where the State is taking the lead at a NPL site for a RI/FS through an enforcement funded cooperative agreement, count toward the enforcement target.

PRP-Financed: For PRP lead RI/FS, the start date is defined as the last signature date by the appropriate federal agency or party on the Administrative Order on Consent, Consent Decree or Consent Agreement for the PRP to conduct the second or subsequent RI/FS. For agreements that include several operable units, all RI/FSs starting after the first site RI/FS will count as subsequent RI/FS. For settlements for multiple operable units, subsequent RI/FS starts are recorded in SCAP when a form (under development by OWPE) is sent to Headquarters stating that a later operable unit has begun under a previously recorded order.

Number of remedies selected at NPL sites -

- (a) First ROD at NPL site - Sites where the initial Record of Decision (ROD) or no action alternative (NAA) has been signed by either the Regional Administrator or Assistant Administrator for OSWER.
- (b) Subsequent RODs at NPL site - RODs that have been signed by the Regional Administrator or Assistant Administrator for OSWER that are in addition to the initial ROD or EDO signed for the site.

Number of NPL sites where remedial action activity has been started -

First funding or settlement for first remedial action at an NPL site.

- (a) Fund-financed: Sites where an Inter-Agency Agreement has been approved by GAD or a cooperative agreement has been signed by the Regional Administrator to conduct the first construction activity at the site. Obligation has either been recorded in FMS or reported and documented in supplemental Regional reports as of the end of the reporting period.
- (b) PRP financed: A PRP financed remedial action resulting from an administrative order on consent, consent decree, consent agreement, or where PRPs are in compliance with a unilateral order, or judgment requires a remedial action, starts at the approval of the remedial design by the Agency as evidenced by receipt of milestone memo.

First funding or settlement for subsequent remedial action at an NPL site.

- (c) Fund-financed: Sites where an Inter-Agency agreement has been approved by GAO or a cooperative agreement has been signed by the Regional Administrator to conduct a construction activity contained in a subsequent ROD or EDD. The obligation has either been recorded in FMS or reported and documented in supplemental Regional reports as of the end of the reporting period.
- (d) PRP financed: A PRP financed subsequent remedial action resulting from an administrative order on consent, consent decree, consent agreement or when PRPs are in compliance with a unilateral order, or judgment requires a subsequent remedial action, starts at the approval of the subsequent remedial design by the Agency as evidenced by receipt of milestone memo.

Number of sites where all remedial implementation has been completed - Number of sites where all construction operable units and final construction inspection have been completed.

Number of sites where the NPL deletion process has been initiated - The deletion process is initiated at Fund-financed or RP financed sites on the NPL when the Regional Administrator transmits a complete deletion recommendation package to the AA for OSWER for formal concurrence.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program Area: Superfund Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain maximum levels of clean-up activity through enforcement.	<u>Administrative Order for Removal Action /</u>  Specify the total number of \$106 administrative orders both unilateral and consent, issued this quarter for removal actions for both NPL and non-NPL sites. (This measure excludes access orders.) (a) NPL (b) non-NPL  <u>Conclusion of RD/RA Negotiations /</u>  Specify the number of NPL sites where negotiations for RD/RA have concluded.  <u>Resolution of Judicial Enforcement Actions*/</u>  Specify no. of cases resolved that were filed RD/RA cases without settlement.  / Definitions follow at the end of program measures.  *This measure requires Regional target	S/E-1	Q1,2,3,4 By Region
		S/E-2	Q2,4 By Region
			S/E-3

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program Area: Superfund Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve maximum levels of reimbursement of Trust Fund monies expended in site cleanup.	<u>\$107 Cost Recovery Actions Initiated*/</u> Specify number of judicial referrals to HQ for cost recovery of removal or remedial actions. These are \$107 only referrals.	S/E-4	Q1,2,3,4 By Region
Monitor identification, assessment and cleanup of Federal Facilities.	<u>\$107 Cost Recovery Cases Resolved*/</u> (a) Judicial (b) Administrative  <u>NPL Federal Facility Activity /</u> (a) Specify no. of NPL Federal Facilities where Preliminary Assessments (PAS) have been completed. (b) Specify no. of agreements signed for RI/FS. (first or subsequent). (c) Specify no. of NPL FF at which a remedy has been selected. (d) Specify no. of NPL FF at which RD has started (first or subsequent). (e) Specify no. of NPL FF at which RA has started (first or subsequent).  / Definitions follow at the end of program measures	S/E-5	Q1,2,3,4 By Region
		S/E-6	Q1,2,3,4 By Region

\*This measure requires Regional target

SUPERFUND ENFORCEMENT DEFINITIONS

S/E-1

Administrative Orders for Removal Actions

An administrative order for removal action is counted when the order has been signed and issued by EPA within the quarter. Credit is given for one order per site when multiple orders are issued for a given removal action at a single site. Excluded from this measure are access orders.

S/E-2

Conclusion of RD/RA Negotiations\*

RD/RA Negotiations at an NPL site are concluded when any one of the following conditions is met:

- (a) A settlement, via a signed consent decree, is obtained for RD/RA. The date the document is lodged with the court is used to determine the quarter in which the settlement counts.
- (b) A \$106 referral for RD/RA without settlement is referred to Headquarters. This includes referrals with other counts in addition to \$106, e.g. \$106/\$107 referrals. The date on the referral transmittal letter to Headquarters determines the quarter in which the referral counts.
- (c) A unilateral administrative order under \$106 is issued for RD/RA. The date the order is signed by the last party determines the quarter in which the order counts.
- (d) Funds are obligated by the Agency for an RD at a site where negotiations were required. The date of RD obligation determines the quarter in which the action counts. In the unusual cases where funds are obligated for an RD while negotiations for an RA continue, the RD obligation date is to be used.

S/E-3

Resolution of Judicial Enforcement Actions\*

Filed \$106 and/or \$7003 RD/RA cases without settlement are resolved when there is a full settlement with all parties for all claims, the case is withdrawn or dismissed, or a trial on the full merits has begun.

S/E-4 \$107 Cost Recovery Actions Initiated\*

\$107 cost recovery actions for removal or remedial actions are initiated when the actions are referred to Headquarters. These are \$107 only referrals. Referrals for bankruptcy cases (proof of claims) are included in this target. The date on the referral transmittal letter to Headquarters determines the quarter in which the referral is counted.

S/E-5 \$107 Cost Recovery Cases Resolved\*

Target is for resolution of either (a) judicial or (b) administrative cost recovery actions. Resolution of judicial action occurs when there is a full settlement with all parties against whom a case was brought for all claims, the case is withdrawn or dismissed, or a trial on the full merits has begun. For administrative actions the date of the letter transmitting the settlement determines when the settlement is counted. When no settlement documents exist in administrative settlements, the date funds are received by the Financial Management Division determines the quarter in which the settlement is counted.

S/E-6 NPL Federal Facility Activity

For NPL final or proposed Federal Facilities, the following activities are measured by site:

- (a) the number of Preliminary Assessments (PAs) completed. Credit is given in the same manner as PAs under S/F-1 except that the PA is received from the Federal Facility.
- (b) the number of agreements signed for RI/FS (first or subsequent). Credit is given when a federal entity enters into a Memorandum of Understanding, Interagency Agreement, Administrative Order or Consent Agreement for RI/FS. The start date is the signature date by EPA on one of the above documents.
- (c) a remedy has been selected.
- (d) an RD (first or subsequent) has started.
- (e) an RA (first or subsequent) has started.

\* indicates a targeted activity

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program Area: Chemical Emergency Preparedness Program

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Improve Federal, State and local emergency preparedness for chemical emergencies.	<p>* Report number of States in the following categories: a) a current Chemical Emergency Preparedness Program State Implementation Memo (SIM) is in place; b) documented willingness to undertake preparedness activities, but SIM will await establishment of State Emergency Response Commission; or c) documented intent not to complete a SIM.</p> <p>Report number of contingency plans in CEPP-designated priority areas that are in the following status categories: 1) under development or revision; or 2) completed (includes simulation exercise); or 3) non-participating priority area.</p>	CEP-1	Q1, 2, 3, 4 By Region
	<p>* Report number of contingency plans in CEPP-designated areas where EPA provided direct assistance in contingency plan development, review, or revision.</p>	CEP-2(a)	Q1, 2, 3, 4 By Region
	<p>* Report number of communities EPA has provided assistance in developing and conducting table-top simulation exercises of extremely hazardous chemical emergencies in CEPP-designated priority areas.</p>	CEP-2(b)	Q1, 2, 3, 4 By Region
	<p>* Report number of communities EPA has provided direct assistance in developing and conducting field simulation exercises of extremely hazardous chemical emergencies in CEPP-designated priority areas.</p>	CEP-3(a)	Q1, 2, 3, 4 By Region
	<p>* Report number of communities EPA has provided direct assistance in developing and conducting field simulation exercises of extremely hazardous chemical emergencies in CEPP-designated priority areas.</p>	CEP-3(b)	Q1, 2, 3, 4 By Region

\* SPMS measures which require Regional targets.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program Area: Chemical Emergency Preparedness Program

SPMS DEFINITIONS

CEP-1

CHEMICAL EMERGENCY PREPAREDNESS PROGRAM (CEPP) STATE IMPLEMENTATION MEMO is an agreement developed between the Region and each State to focus Federal and State assistance in supporting preparedness activities under Title III of SARA and CEPP in designated priority areas and to track the status of preparedness in these priority areas. The memos should include: 1) the names of the designated priority areas, and 2) a schedule of chemical emergency preparedness activities in the designated priority areas (i.e., contingency planning, training, technical assistance, and related activities) both parties intend to support.

The status of SIMs development should be reported as follows:

- a) A SIM is in place that is current. This includes signing of first SIM, or updating or revising a SIM. A SIM that is updated or revised is to be reported in Q4 to include activities for the next fiscal year.
- b) A State where no SIM is in place, but the State or Region has indicated, through a memo, letter or other document, that it will establish a SIM.
- c) A State where no SIM is in place and the State or Region has indicated through a memo, letter or other document, that it does not intend to develop one.

DESIGNATED PRIORITY AREAS are geographical areas within each State which will be the focus of technical or programmatic assistance by State and Federal agencies to support chemical emergency preparedness activities. Included are those areas designated under the NRT/RRT preparedness initiative relative to chemical emergency response. RRT-designated priority areas related to oil spills should not be included.

CEP-2(b)

DIRECT ASSISTANCE by EPA includes providing programmatic or technical assistance upon request by States or communities in developing, reviewing, updating, or revising hazardous materials emergency contingency plans. This contingency plans support includes RRT review of plans.

CEP-3

SIMULATION EXERCISES are table-top or full-field exercises conducted to test or evaluate a contingency plan. Regions are expected to provide technical or programmatic assistance to the States or localities to develop the exercise and to actively participate in the exercise (e.g., exercise leader, evaluator, facilitator). The Region should be involved throughout the planning process for the exercise and should be a player in the actual exercise. Attending an exercise as a spectator or mailing guidance does not constitute fulfillment of this requirement. The Region must write a post-exercise report describing participation in the planning process and the outcome of the exercise available for review.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program: Underground Storage Tanks

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Support development of, and review and decide on, UST state program applications, in order to both encourage state-run programs and ensure adequate national consistency.	<u>State Program Approval (UST-1)</u> Report on the following by State: States implementing a comprehensive State UST program prior to application for program approval. States submitting draft applications and receiving review and comment from the Region.* - For partial program, i.e., either petroleum or chemical - For complete program, i.e., both petroleum and chemical	UST-1(a)  UST-1(b)	Q 1,2,3,4 By Region  Q 3,4 By Region
Identify, investigate and respond to violations of the Interim Prohibition and new federal regulations, in order to encourage compliance. (Interim Prohibition ceases to exist when federal regulations are promulgated.)	<u>Enforcement of Interim Prohibition &amp; New Regulations (UST-2)</u> Report on the following by State and Region separately: Number of facilities inspected.* (Target combines regional and state inspections, but information is reported separately for regions and states.) Number of facilities with violations identified. Number of facilities against which an enforcement action has been filed. Number of facilities that brought tanks into compliance, or fixed or properly installed tanks, as a result of formal enforcement actions or other actions. * This measure requires regional targets.	UST-2(a)  UST-2(b)  UST-2(c)  UST-2(d)	Q 1,2,3,4 By Region  Q 1,2,3,4 By Region  Q 1,2,3,4 By Region  Q 1,2,3,4 By Region

## UST PROGRAM DEFINITIONS

### UST-1: STATE PROGRAM APPROVAL

- (a) States implementing a comprehensive state UST program prior to application for program approval: means that the state now has a comprehensive state program that includes leak detection and corrective action (clean-up) programs. This means that, in the judgment of the Region, the State's UST program is of sufficient quality and scope to be likely to receive eventual approval from EPA. OUST will be discussing this definition in more detail with the Regional UST Coordinators in order to make this evaluation consistent.
- (b) States submitting draft applications and receiving review and comment from the Region: means that a state has submitted a draft application for program approval and that EPA has given the State at least written comment on the draft application. Information reported should indicate whether the draft application is for a partial program (either petroleum or chemical tanks) or a complete program (both petroleum and chemical tanks).

### UST-2: ENFORCEMENT OF INTERIM PROHIBITION & NEW REGULATIONS

- (a) Number of facilities inspected: means inspection of an UST facility with any tanks subject to UST requirement to determine whether the tanks and underground piping meet all relevant state or federal requirements. An example of a facility is a gasoline service station, which is counted as one facility regardless of the number of tanks involved. Inspections to be counted include EPA conducted inspections, contractor inspection under EPA direction, or state inspections, and all those conducted under federal interim prohibition, new federal regulations, or existing state regulations. (Show numbers separately for inspections by the State or by EPA/EPA contractors.) (Quarters 2, 3 and 4 are reported cumulatively.)
- (b) Number of facilities with violations identified: means that the region or state has determined that there has been a violation of federal interim prohibition, new federal regulations, or existing state UST regulation. "State UST regulations" does not include fire codes, but instead refers to state UST regulations as defined in 1(a). (Show numbers separately for violators identified by state or regional staff.) (Quarters 2, 3, & 4 are reported cumulatively.)

UST PROGRAM DEFINITIONS

- (c) Number of facilities against which an enforcement action has been filed: means that EPA or the state has taken formal enforcement action(s) in response to all non-paperwork violations of requirements under the underground storage tank program. Formal enforcement actions encompass filed actions under RCRA §9006, including administrative complaints, initial administrative orders, final administrative orders (consent or contested) and filed civil judicial actions, and filed judicial actions pursuant to RCRA §7002, and state equivalents. (Show numbers separately for enforcement actions by state or EPA.) (Quarters 2, 3, and 4 are reported cumulatively.)
- (d) Number of facilities that brought tanks into compliance, or fixed or properly installed tanks, as a result of formal enforcement actions or other actions: means the number of UST facilities with tanks in violation of applicable federal or state requirements or with damaged or leaking tanks that, as a result of formal enforcement actions or other actions by EPA or the state, have been brought into compliance or been otherwise fixed. For example, this includes any of the following actions: tanks have been removed from the ground or emptied and cleaned according to acceptable practices; tanks have been retrofitted or replaced in conformance with federal or state standards; or the tank(s) in violation was removed or not installed. Since this is intended as a measure of direct environmental results, it does not include facilities that only corrected paperwork violations, such as violations of recordkeeping and reporting requirements. Correcting violations of facility management requirements is important to our prevention program, but they are not included in this measure of environmental results. Formal enforcement actions are defined under 2(c) above. Examples of "other actions" include documented communications and Trust Fund Corrective Action Orders. Written documentation of actions taken and the results should be maintained by the initiating federal or state agency. (Show numbers separately for results from actions by the state or EPA.) (Quarters 2, 3, and 4 are reported cumulatively.)

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES  
STRATEGIC PLANNING AND MANAGEMENT SYSTEM

FY 1988 MEASURES

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program: Pesticides

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Protect health and the environment from any unreasonable effects from pesticides currently in use.	Issue data call-in notices on _____ chemicals to obtain data for existing food and non-food use pesticides.	P-1	Q 1,2,3,4
	Establish _____ Registration Standards.	P-2	Q 1,2,3,4
	Implementation of Registration Standards:	P-3	Q 1,2,3,4
	° Stage 1. Achievement of data commitments for all generic data requirements (or actions to remove unsupported uses of chemicals from the marketplace) for _____ Registration Standards.		
	° Stage 2. Completion of data fulfilling all of the generic data commitments for _____ Registration Standards.		
Restrict or ban the use of pesticides posing unreasonable effects to human health and the environment.	° Stage 3. Final Regulatory Standard and Tolerance Re-assessments (FRSIRs) completed _____.		
	Make _____ Special Review decisions and indicate pesticides planned for Special Review (per budget numbers).	P-4	Q 1,2,3,4
	Complete _____ reviews of studies called in by Registration Standards or data-call-in letters or received as a result of 6(a)(2) Adverse Effects Notifications.	P-5	Q 1,2,3,4

**Program:** Pesticides

OPTS-2

# OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program Area: Pesticides Certification and Training

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Protect public health and the environment by working with states to strengthen programs for training and certifying pesticide applicators. Update State Certification and Training Plans, which document the States' programs.	<ul style="list-style-type: none"> <li>Review State Certification and Training plans and programs. Determine what corrective action is needed to upgrade               <ul style="list-style-type: none"> <li>State plans and programs. Identify and report the number of: a) programs with priority needs**; b) programs with secondary needs (i.e. programs with needs which are not "priority needs"); and c) programs which are without needs. (This information will be used in an SPMS graph displaying the status of each state.)</li> </ul> </li> <li>Develop and approve final schedules for corrective action for * programs with priority needs.**</li> <li>Verify that * States have updated programs with priority needs according to approved final schedules.** (Measure may not take effect until FY 1988.)</li> </ul>	P-9	Q 1,2
		P-10	Q 3,4
		P-11	Q 3,4
	<ul style="list-style-type: none"> <li>Regional targets will be set following discussions with the Regions.</li> <li>See appendix for definitions.</li> </ul>		

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program Area: Pesticides Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain a high level of compliance.	<p><u>Inspections for Significant Activities and Compliance Rates</u></p> <p>Specify the cumulative number of State inspections conducted in the following categories identified on EPA form 5700-33H and the number of EPA inspections (Regions 7 and 8 only) in comparable categories:**</p> <ul style="list-style-type: none"> <li>◦ agricultural use and follow-up</li> <li>◦ nonagricultural use and follow up</li> <li>◦ restricted use pesticide dealers</li> <li>◦ specify the cumulative number of State and EPA enforcement actions and/or proceedings in the same categories (above)</li> </ul> <p><u>EPA Enforcement Actions</u></p> <p>Specify on a cumulative basis:</p> <ul style="list-style-type: none"> <li>◦ numbers of administrative complaints issued</li> <li>◦ numbers of warning letters, SSURO's, recalls, and import detentions</li> <li>◦ civil and criminal referrals (retrieved from OECM Docket)</li> </ul> <p>* All Federal data will be reported quarterly in real time. All State data will be reported quarterly, one quarter out of phase.</p> <p>** Requires quarterly targets for inspections.</p>	P/E - 1	Q 1,2,3,4*
		P/E - 2	Q 1,2,3,4

Program Area: Pesticides Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain a high level of compliance.	<p><u>Significant Violator - State Primacy (Dynamic Base)*</u></p> <p>For referrals under Section 27 designated as significant in accordance with the procedures set forth in 40 CFR 173 (procedures governing referrals), specify on a cumulative basis:</p> <ul style="list-style-type: none"> <li>◦ total number of referrals</li> <li>◦ number of referrals pending (timeframe not elapsed)</li> <li>◦ number of referrals addressed within timeframe</li> <li>◦ number of referrals addressed beyond timeframe</li> </ul> <p><u>Significant Violator - EPA (Dynamic Base)*</u></p> <p>For significant use cases and suspension/cancellation actions referred from States to Regions or based on EPA inspections, report on a cumulative basis:</p> <ul style="list-style-type: none"> <li>◦ total number of cases referred/identified</li> <li>◦ number of cases addressed</li> <li>◦ number of cases closed</li> </ul>	P/E - 3	Q 1,2,3,4,
		P/E - 4	Q 1,2,3,4

\* See "Definitions."

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program: Toxic Substances

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Identify and evaluate potential risks of suspect existing chemicals.	Provide quarterly disposition of existing chemical evaluations covering phases I, II, and III.  Take initial action on the 19th and 20th ITC lists within the statutory deadline of one year (DNT, NPRM, enforceable consent agreements).	T-1	Q 1,2,3,4
Initiate and promulgate actions to reduce the risks from hazardous existing chemicals.	Complete <u>      </u> post-initial-ITC and/or non-ITC testing actions (includes final decisions not to test, proposed/final test rules, and enforceable consent agreements).	T-3	Q 1,3
Subject all new chemicals to a meaningful review and take action to control those that pose an unreasonable risk.	Report quarterly on the number of TSCA §8 information gathering rules and on the number of chemicals covered by those rules.	T-4	Q 1,2,3,4
	Report quarterly on the number of TSCA §8 information gathering rules and on the number of chemicals covered by those rules.	T-5	Q 1,2,3,4
	Report on the status of the TSCA Human Monitoring Program.	T-6	Q 4
	Complete <u>      </u> existing chemical risk management actions (includes chemical advisories, §6 actions, §9 referrals, and significant new use rules).	T-2	Q 1,2,3,4
	Report on the number of new chemical notices, received and processed to date (includes PMNs, low volume, polymer, and test marketing exemptions).	T-7	Q 1,2,3,4
	Report on the number of new chemical control actions to date (includes PMNs, low volume, polymer, and test marketing exemptions).	T-8	Q 1,2,3,4
	Report on new chemical follow-up actions.	T-9	Q 1,2,3,4

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program: Toxic Substances

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Protect public health and the environment by providing assistance in abating hazardous asbestos materials in the nation's schools.	Conduct _____ close-out site evaluation inspections of 1987 ASHAA award projects to confirm that abatement assistance was expended on designated school projects and that abatement was properly accomplished.	T-10	Q 1,2,3,4 by Region
	Reduce asbestos hazard levels for _____ designated priority #1 school projects unfunded by 1987 ASHAA loan and grant funds, through abatement consultations and follow-up visits.	T-11	Q 1,2,3,4 by Region

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program Area: Toxic Substances Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain a high level of compliance	<u>Inspections and Compliance Rates</u> ° Specify the cumulative number of EPA and State inspections conducted* ° Specify the number of inspections for which case review is completed ° Specify the number of inspections found in violation	T/E - 1	Q 1,2,3,4
	<u>Enforcement Actions</u> Specify on a cumulative basis: ° number of administrative complaints issued ° number of notices of noncompliance issued ° number of civil and criminal referrals (retrieved from OECM Docket)	T/E - 2	Q 1,2,3,4
	<u>Significant Noncompliance Fixed Base**</u> (Pre-FY1988 open cases) Identify the number of significant noncomplier cases issued prior to FY 1988 which have been open 6 months or less, and those which have been open more than six months. Each quarter, report on the status of this BOY inventory: ° number of cases open 6 months or less ° number of cases open more than 6 months ° number of cases closed * This measure requires quarterly targets. ** See "Definitions."	T/E - 3	Q 1,2,3,4

# OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program Area: Toxic Substances Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain a high level of compliance	<p><u>Significant Noncompliance - Dynamic Base*</u> (new cases)</p> <p>For FY 1988 SNC cases, resulting from reviews of FY 1987 and FY 1988 inspections, specify on a cumulative basis:</p> <ul style="list-style-type: none"> <li>° number of SNC cases identified</li> <li>° number of SNC cases opened: **               <ul style="list-style-type: none"> <li>- in 0 to 120 days of inspection date</li> <li>- in 121 to 180 days of inspection date</li> <li>- in 181 or more days of inspection date</li> </ul> </li> <li>° number of SNC cases closed</li> </ul>	T/E - 4	Q 1,2,3,4
Achieve and maintain a high level of compliance in Federal Facilities.	<p><u>Federal Facilities</u></p> <p>Specify separate data on Federal Facilities for T/E-1, T/E-3 and T/E-4, as a subset of totals.</p>	T/E - 5	Q 1,2,3,4
	<p>* See "Definitions."            ** Regional targets will be required for this measure.</p>		

DEFINITIONS FOR THE OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

definition of Key Terms and detailed quarterly commitments for the Pesticide and Toxic Substances Programs.

OFFICE OF PESTICIDE PROGRAMS

P-1 Indicate the number of chemicals for which data call-in notices (food and non-food use pesticides) will be issued by quarter:

° 1st quarter	_____	chemicals
° 2nd quarter	_____	chemicals
° 3rd quarter	_____	chemicals
° 4th quarter	_____	chemicals

P-2 Indicate the number of registration standards that will be established by quarter:

° 1st quarter	_____
° 2nd quarter	_____
° 3rd quarter	_____
° 4th quarter	_____

Established Registration Standard - A Registration Standard is considered established when the Registration Division Director signs a letter transmitting the guidance package to registrants for supplying required data, and the technical Registration Standard document is ready for printing and mailing to registrants.

P-3 Implementation of Registration Standards

PRE-STAGE 1 = Registration Standards enter Pre-Stage 1 when they are signed and remain there until ALL registrant responses have been processed.

STAGE 1 = This stage is reached when either commitments for all of the generic data have been made and there are no overdue generic data requirements, OR the program has initiated action to remove all of the products or unsupported uses of the chemical from the marketplace.

(P-3 continued)

A chemical remains in Stage 1 until the last study has been submitted (about a 4 year process).

Total in Stage 1 = baseline plus planned moves from Pre-Stage 1  
Commitments = commitments have been made or study is in process  
All suspended = All registrations (products) containing that active ingredient  
have been suspended.  
All cancelled = All registrations (products) containing that active ingredient  
have been cancelled.

STAGE 2 = When all the data to fulfill the generic data commitments have been submitted.

STAGE 3 = All studies have been submitted, reviewed, and accepted, and the program has established a final regulatory position on the chemical. This process has been termed Final Regulatory Standard and Tolerance Reassessment (FRSTR).

P-4 Indicate number of Special Review decisions to be made by quarter:

° 1st quarter	_____	Special Reviews
° 2nd quarter	_____	Special Reviews
° 3rd quarter	_____	Special Reviews
° 4th quarter	_____	Special Reviews

Pesticide Special Review Decisions - Special Review decisions include the issuance of the position documents listed below or the following final resolutions:

- 1) returning the application to the pesticide registration process,
- 2) voluntary cancellation by the applicant,
- 3) cancellation or suspension of the Special Review by EPA, or
- 4) a negotiated settlement on modifications to the terms and conditions of the registration with the registrant.

The position documents are:

PD-1: reviews the available scientific data and addresses whether a chemical has met or exceeded Special Review risk criteria (if a chemical does not exceed the criteria, it is typically returned to the

(P-4 continued)

registration process). A PD-1 is considered completed when the Federal Register notice has been signed by the AA.

PD-2/3: analyzes the risks and benefits of the Special Review chemicals and any alternatives to the various uses of the chemical, identifies feasible regulatory options, and proposes a decision. A PD-2/3 is considered completed when the Federal Register notice has been signed by the AA.

PD-4: reflects the Agency's final decision. The PD-4 incorporates comments received on the PD-2/3 from the FIFRA Scientific Advisory Panel, the Department of Agriculture and other public responses, along with appropriate analysis of the comments. The PD-4 typically calls for continued registration with certain terms and conditions or cancellations for some or all uses of the pesticide or pesticides. A PD-4 is considered completed when the Federal Register notice has been signed by the AA.

P-5 Indicate number of Reviews of Studies to be completed by quarter:

◦ 1st quarter	_____	Final Reviews
◦ 2nd quarter	_____	Final Reviews
◦ 3rd quarter	_____	Final Reviews
◦ 4th quarter	_____	Final Reviews

Review - a Review of Studies called in by either a registration standard or a data-call-in letter or 6(a)(2) adverse effects notification is considered complete when each response (study received, etc.) has been analyzed and a written review prepared.

P-6 Complete final decision on new active ingredients and applications for Registration:

Complete Final Decision on New Active Ingredients and Applications for Registration and Tolerances: OPP defines the following as "final decisions" for purposes of measuring performance in the pesticide registration program:

- a) withdrawal by applicant
- b) denial of registration
- c) unconditional registration
- d) conditional registration

P-6A Report on the number of final decisions on New Active Ingredients (New Chemical/Biochemical/Microbiological) administratively targeted to be completed within the quarter.

New Chemicals - Applications for registration of a pesticide active ingredient that is not currently registered under FIFRA. Final decisions may result in denial, unconditional registration, conditional registration, or administrative withdrawal.

NOTE: Registration of a food-use chemical, i.e. of a chemical that might leave a residue on a food or feed item, requires the establishment of a tolerance or exemption from tolerance.

New Biochemical/Microbiological - Application for registration of new biochemical or microbial products not currently registered with the Agency, whether for food use or non-food use. Included under these activities are:

- Biochemical (pheromones, insect or plant growth regulators and hormones used as pesticides).
- Microbial (viruses, bacteria, protozoa and fungi -- any living organism introduced into the environment to control the population or biological activities of another life form that is considered a pest under FIFRA).
- Biotechnical products (genetically engineered microbial pesticides, or GFMP). Each biotechnical product will undergo a risk assessment and risk/benefit analysis.

NOTE: As with other new pesticides, registration of a new food-use biochemical requires the establishment of a tolerance level or an exemption.

P-6B Provide number of final decisions on Old Chemical Applications administratively targeted to be completed within the quarter, and the number actually completed.

Old Chemicals - Applies to applications for registration of new products containing pesticide active ingredient chemicals and biologicals which have previously been registered. Old chemical "change" applies to applications in which there is a significant change in formula or use pattern. "Me too" applications deal with chemicals and biologicals whose formulation and use patterns are identical or substantially similar to those previously registered.

- p-6C Provide number of final decisions on Amended Registration Applications administratively targeted to be completed within the quarter and the number actually completed.
- Amended Registrations - Any changes in an existing registration. This refers to lesser changes such as product name changes.
- p-6D Provide number of final decisions on New Use Applications administratively targeted to be completed within the quarter, and the number actually completed.
- New Uses - Any major changes involving new uses of old products.
- p-7 Provide number of final decisions on Emergency Exemptions to be completed by quarter:
- Emergency Exemption - An exemption from the normal registration requirements of FIFRA which is granted by a Federal or State agency if EPA determines that emergency conditions exist, (e.g., a pest outbreak is identified and no effective pesticide is registered for the particular use).
- p-8 Provide number of final decisions on Tolerance Petitions targeted to be processed during the quarter:
- FFDCA Tolerance Petition Decision - applies to all requests for tolerance levels and exemptions from requirement of a tolerance for pesticide residues in or on raw agricultural commodities, processed foods and minor uses. EPA is required by law to process tolerance petitions in 180 days; however, OPPE has set an administrative deadline of 240 days to better reflect increases in the complexity of submissions.

Final SPMS Definition of State Programs with Priority and Secondary Needs

P-9, P-10, P-11: These measures refer, in part, to State programs with "priority needs." State programs with priority needs would include:

- programs which do not comply with 40 CFR Part 171.7 and, in general, with the rest of 40 CFR Part 171;
- programs which do not require periodic renewal of certification either through reexamination or training/continuing education;
- programs which do not require, or offer as an option, completion of training/continuing education for renewal of certification;
- programs in which training sessions and/or examinations have not been reviewed in the past 5 years;
- other programs as agreed upon by an EPA Regional Office and EPA Headquarters as having a priority need (which we did not foresee and list above).

In instances where an EPA Regional Office questions whether or not a program has a priority need, the Regional Office should contact EPA Headquarters and a decision will be reached jointly on a case-by-case basis.

P-9: SPMS measure P-9 also refers to State programs with "secondary needs." State programs with secondary needs are programs with needs which are not "priority needs." For example, State programs with secondary needs would include:

- programs which do not require completion or training, or offer completion of training as an option, for initial certification of private applicators;
- programs which do not require completion of training, or offer completion of training as an option, for initial certification of commercial applicators, in addition to requiring the completion of an exam;
- programs with certification renewal periods which exceed 5 years;
- programs with other needs which are not "priority needs" as described above.

P-10, P-11: These measures refer, in part, to "final schedules" for corrective action. A "final schedule" is the schedule agreed upon by the EPA Regional Office, the State and EPA Headquarters.

## PESTICIDES ENFORCEMENT DEFINITIONS

A "Significant Violator" is any violation which meets the criteria for significant cases set forth in 40 CFR 173 (interpretive rule governing FIFRA Section 26 and 27 referrals). In general, priority areas will consist of those state pesticide activities which present greatest potentials for harm to health or the environment. EPA will determine on a case-by-case basis which allegations in the priority areas agreed to by EPA and the State in the cooperation agreement involve sufficiently "significant" violations to be formally referred to the State and traced.

"Addressed," with reference to State action, is defined in accordance with the Final Interpretive Rule: and includes "referral of the case to a pesticide control board or State's Attorney for action."

"Timeframe," with reference to State action, is the timeframe negotiated between the Region and each State for completion of investigation plus the timeframe agreed upon by the Region and each State for initiation of prosecution.

An "appropriate State Enforcement action" is an action which meets the criteria in 40 CFR 173. In general, the severity of the proposed enforcement action must correlate to the gravity of the violation. Specifically, each state cooperative agreement will identify "appropriate" action relative to the remedies available to the state.

An "appropriate Federal Enforcement action" for a "significant violator" is one of the following:

- Administrative Complaint
- Civil Judicial Action for penalty collection
- Criminal Action
- Compliance Agreement in the case of a Federal facility

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

SPMS Definitions for Toxic Substances

T-1 Report on Disposition of Chemicals in Risk Identification and Risk Evaluation Phases (No quarterly or annual targets required.)

Risk Identification Phase

No. of chemicals currently in this phase \_\_\_\_\_  
No. of chemicals that entered during the quarter \_\_\_\_\_  
No. of chemicals referred to Risk Evaluation phase \_\_\_\_\_  
No. of chemicals for which further analysis is required \_\_\_\_\_  
No. of chemicals for which no further action is indicated. \_\_\_\_\_

Risk Evaluation Phase

No. of chemicals currently in this phase \_\_\_\_\_  
No. of chemicals that entered during the quarter \_\_\_\_\_  
No. of chemicals referred to Risk Management phase \_\_\_\_\_  
No. of chemicals for which further analysis is required \_\_\_\_\_  
No. of chemicals for which no further action is indicated. \_\_\_\_\_

Risk Management Phase

No. of chemicals currently in this phase \_\_\_\_\_  
No. of chemicals that entered during the quarter \_\_\_\_\_  
No. of chemicals currently in phase means the number of chemicals in the phase as of the end of the quarter.  
No. of chemicals entered during the quarter means the number of chemicals that entered during the quarter.  
No. of chemicals for which further analysis is required means those chemicals that require further analysis or action in their phase or in non-process activities.  
No. of chemicals for which no further action is indicated means those chemicals for which further analysis is not deemed necessary at this time.

T-2 Report on the number of completed Risk Management Actions by quarter.

Risk Management encompasses phase IV (risk reduction) and V (risk management) activities as identified in the "Existing Chemicals Quarterly Report". Risk management actions include TSCA §6 rules, §9 referrals, §5(a) significant new use rules, and chemical advisories.

T-3 Report on the number of ITC designations to be acted on within a statutory timeframe. Provide name of substance, action taken and Federal Register citation.

This measure will apply only to ITC chemicals under a statutory deadline. ITC refers to the Interagency Testing Committee as defined in Section 4(e) of TSCA.

Action: An action is defined as the signature of the Administrator, or someone properly delegated responsibility to act for the Agency on a test rule (ANPR, Proposed, or Final Rule), on an enforceable consent agreement, or on a notice of decision not to test.

T-4 Provide the number of post-initial-ITC and/or non-ITC testing actions to be completed by quarter. Identify chemicals, report on the actions taken, and specify whether it is an ITC or non-ITC testing action.

Action: An action is defined as the signature of the Administrator, or someone properly delegated responsibility to act for the Agency on a test rule (ANPR, Proposed, or Final Rule), on an enforceable consent agreement, or on a notice of decision not to test. These actions include both post-initial ITC chemicals and non-ITC chemicals.

T-5 Provide the number of TSCA §8 Information Gathering Rules and number of chemicals covered by those rules to date.

TSCA §8 provides the agency with broad information gathering and recordkeeping authorities; including the authority to require the submission of health and exposure data; to require the submission of unpublished health and safety studies; and to require maintenance and submission of records of allegations of significant adverse reactions to health or the environment.

T-6 Provide a status report on the TSCA Human Monitoring Program. (Fourth quarter only.)

The National Human Monitoring Program is directed at problem identification and chemical surveillance and includes the National Human Adipose Tissue Survey and the National Blood Network. These surveys will establish National trends and provide data to assess regulatory efficacy.

T-7 Report on the number of New Chemical Notices received and processed to date. (No quarterly or annual targets.)

New Chemical Notices "received" - Defined as those PMNs, Low Volume, Polymer, and Test Market Exemptions received and logged in OTS.

New Chemical Notices "processed" - Those PMNs, Low Volume, Polymer, and Test Market Exemptions that have been reviewed.

T-8 Report on the number of New Chemical Control Actions to date. (No quarterly or annual targets.)

New Chemical Control Actions - Defined as voluntary testing by the submitter, withdrawal of new chemical notices (i.e., PMNs, Low Volume, Polymer, and Test Market Exemptions) due to EPA concerns, issuance of Section 5(e) orders that allow EPA to regulate manufacture of a new chemical, pending the development of more information; issuance of Section 5(f) orders that allow the Administrator to protect against unreasonable risks by issuing either a proposed rule under Section 6 to limit the amount manufactured or a proposed order prohibiting the manufacture of a chemical.

T-9 Report on the number of New Chemical Follow-up actions taken. (Annual target only.)

New Chemical Follow-up actions are the number of chemicals subject to a proposed or final Significant New Use Rule which requires persons to notify EPA of their intent to manufacture or process a chemical for a significant new use, and report data relevant to that use; or, the number of chemicals subject to a proposed or final Section 8(a) rule which requires persons to keep data on a chemical and to maintain records in support of that data.

T-10 Close-out site evaluations consist of the following:

- o On-site abatement inspections
- o Interviews with LFA and school officials
- o Technical assistance counseling
- o Final inspection reports

Purposes

- o To confirm that asbestos abatement assistance was properly expended on designated projects
- o To assure that the approved abatement technique was applied
- o To confirm that abatement was accomplished properly

Count: Correctly abated projects

T-11 Hazard level reduction for unfunded priority #1 projects will consist of the following:

- o Hazard assessment/exposure evaluation which leads to LEA action
- o Recommend or improve project specifications
- o Help develop operations and maintenance (O & M) plan
- o Assist in O & M plan implementation, monitoring, or improvement
- o Provide training to custodians, contractor, or school officials
- o Provide stop-gap counsel for immediate, short-term, or emergency hazard reduction
- o Offer counsel leading to minor abatement action
- o Offer counsel leading to major abatement action

Purposes

- o To provide guidance on contractor selection
- o To advise on proper abatement methods and techniques
- o To offer counsel on proper sampling procedures
- o To distribute relevant technical assistance documents
- o To provide any other abatement assistance

Count: Priority #1 school projects with reduced hazards (also report number of project contacts)

NOTE: Unless otherwise indicated, all measures have quarterly and annual targets.

## TOXIC SUBSTANCES ENFORCEMENT DEFINITIONS

Formal Enforcement Action - Noncompliance is addressed by an administrative complaint or by a civil or criminal judicial action. All SNC's must be addressed by a formal enforcement action--at minimum an administrative complaint.

Minor Enforcement Action - Noncompliance is addressed by a Notice of Noncompliance.

Significant Noncompliance (SNC) - SNC is a violation for which the level of enforcement action is, at a minimum, an administrative complaint, in accordance with the appropriate TSCA Enforcement Response Policy (ERP), and includes but is not limited to the following:

- Any PCB violation involving a) improper disposal, b) manufacturing, c) processing, d) distribution, e) improper use, f) storage, g) record-keeping and/or h) marking violations.
- Any PCB disposal resulting in contamination of surface or ground water, food or feeds.
- Any Asbestos-in-Schools violation involving failure to inspect, sample, analyze, post warnings, notify, and/or keep records where asbestos is present.
- Any violation of testing requirements under Section 4.
- Any violation of premanufacturing notification under Section 5.
- Any violation of Section 13 including: failure to either certify that all imported chemical substances are in compliance with TSCA or are not subject to TSCA, and falsification of a certification report.
- Any violation of Section 8 including: failure to submit required records and/or reports; falsification of records and/or reports; and incomplete reporting and/or recordkeeping.

An administrative civil complaint is issued for SNC violations where a violation: presents a real (but not an extreme or imminent) risk to human health or environment; is likely to be an isolated occurrence; and is apparently the result of ordinary negligence, inadvertence, or mistake. In those cases involving extreme or imminent risk to human health or the environment, the Regions may initiate judicial action (e.g. injunctions, seizures, civil and criminal actions). In these instances, the case is referred to OECM and monitored using the OECM Docket System.

Note: For Federal facilities, SNC is a facility where the violation(s), as defined above, would normally result in a formal enforcement action. These actions, however, are handled in accordance with the EPA Federal Facility Compliance Strategy.

## TSCA definitions (cont'd)

SNC Fixed Base (Pre-FY 1988) - Refers to reducing the number of pre-FY 1988 SNC cases on the Beginning-of-Year (BOY) inventory. Each quarter, Regions report the status on the number of cases open 6 months or less, the number open more than 6 months, and the number closed.

BOY Inventory - Consists of all SNC cases, including Federal Facility actions, opened prior to FY 1988 and not closed as of 10/1/87. The inventory consists of open cases only and does not include cases pending an enforcement action. The BOY inventory should not change in FY 1988.

SNC Dynamic Base (FY 198\* Cases) - Refers to taking action against newly identified FY 198\* cases based either on inspections conducted in FY 1988 or on FY 1987 inspections for which the enforcement action is issued in FY 1988.

Open - Cases for which an administrative complaint has been issued, but the case has not been closed.

Closed - The case is either withdrawn or a consent agreement and order has been issued.

Note: A Federal facility SNC will be considered closed when EPA receives a letter from the facility verifying compliance or when a compliance agreement with an acceptable schedule for returning facility to compliance is signed.

Federal Facilities Compliance Agreements - are equivalent to "formal enforcement actions." The term compliance agreement refers to the mechanism under Executive Order 12088 for solving compliance problems between EPA and other Federal agencies. A Compliance Agreement must specify the corrective action to be taken, the schedule for achieving compliance, and the requirements for reporting progress.

OFFICE OF EXTERNAL AFFAIRS  
STRATEGIC PLANNING AND MANAGEMENT SYSTEM  
FY 1988 MEASURES

OFFICE OF EXTERNAL AFFAIRS

Program: Federal Activities

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<u>Environmental Review Program</u> Reduce environmental impact of Federal projects through improved project design.	Report for each quarter, by Region, the percentage of final Federal project reviews completed for which EPA has no major concerns.	0EA-1	Q 1,2,3,4
<u>Federal Facilities Compliance Program</u> Achieve and maintain high rates of compliance at Federal facilities through the A-106 pollution abatement planning process.	Develop name lists in each Region of those Federal facilities included in the media program priority areas jointly identified by the HQ program offices. Report the total number of Federal facilities which have potential compliance problems in each priority area.  Report the number of identified facilities in each selected program priority area where Federal agencies have addressed potential compliance problems through adequate A-106 projects or other acceptable means.	0EA-2/1-E	Q 1
	Report the total number of identified facilities in each selected program priority area where potential compliance problems have been addressed through adequate A-106 projects in the Federal agencies' final A-106 plan submissions or other acceptable means.	0EA-2/2-E	Q 2
	Develop Federal Facility Compliance Management Plans in cooperation with appropriate media program offices, for the top three environmentally significant Federal facilities in each Region from a multi-media perspective.	0EA-2/3-E	Q 4
Improve Federal facility compliance program management.		0EA-2/4-E	Q 4

OFFICE OF EXTERNAL AFFAIRS

Program: Federal Activities

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain a high rate of compliance of Federal facilities through a comprehensive inspection program.	Report the compliance rate <sup>5</sup> for each Federal Agency within the Region for each media program.	0EA-2/5-E	Q 1,2,3,4
<u>Indian Program</u> Extend EPA's program coverage to Indian reservation lands.	Track, by Region, against targets, the number of tribal/EPA Agreements developed.	0EA-4	Q 1,2,3,4

## OEA Definitions

### Environmental Review Program (OEA-1)

"Major concerns" are those that would qualify for an ERP rating of E0, EU, and/or 3 as defined in the ERP manual.

### Federal Facilities Compliance Program (OEA-2/1-E through 2/5-E)

"Program priority areas" - Areas which have been identified by each media program as compliance and enforcement priorities for Federal facilities during FY 87 (e.g. Class B VOC sources in the Air Program). These priorities will be selected by the programs, in cooperation with OFA, during FY 86, and the Regions will be notified of these selected priorities.

### "Compliance Problem Addressed" -

#### 1. Problem addressed through the A-106 Process:

- (A) Facility has proposed an A-106 project for FY 1989 which is adequate to correct the identified problem;
- (B) Facility has proposed an adequate A-106 project in a previous fiscal year (i.e., FY 87 - FY 89) to correct the identified problem;

#### 2. Problem addressed through other acceptable means:

- (A) Problem has been corrected and facility already returned to physical compliance;
- (B) Facility is correcting the identified problem through the use of existing funds or some means other than the A-106 process; or
- (C) The potential compliance problem in this program priority area identified during the First Quarter is not actually present at this facility at this time.

"Adequate A-106 projects" - Federal agency pollution abatement projects which have been submitted to EPA Regions for review and determined by EPA to be adequate in terms of engineering, cost and timeliness to prevent or correct compliance problems.

## OEA Definitions

"Federal Facility Compliance Management Plan" - Strategic plan for improving the overall environmental management structure and capability of selected environmentally significant federal facilities in each Region. These plans are to be developed by the Regional Federal Facility Coordinators in cooperation with the media program offices. Plans should address identified needs of these facilities in the areas of technical assistance, training for Federal agency personnel, environmental auditing guidance, additional inspections, potential compliance agreements or MOUs, periodic meetings and workshops, etc.

"Compliance Rate" Of those Federal Facilities (both majors and minors) inspected by EPA or States, report the percentage which are in compliance with media program regulatory requirements (e.g., 8 out of 10 Federal facilities inspected for RCRA requirements are in compliance = 80% RCRA compliance rate).

### Indian Program (OEA-4)

A "Tribal/EPA agreement" Is similar to a State/EPA Agreement, identifying priority environmental problems and measures to address them. Coverage, level of detail, and degree of resource commitment will vary with the nature, needs, and capabilities of the individual tribes.

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT  
STRATEGIC PLANNING AND MANAGEMENT SYSTEM

FY 1988 MEASURES

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT

Program: Administration and Resources Management

OBJECTIVE	MEASURES	SPMS CODE	FREQUENCY
Provide effective and timely administrative services to EPA programs.	Report on level of performance against services standards for the following service areas: <ul style="list-style-type: none"><li>- Procurement services</li><li>- Personnel services</li><li>- Grant services</li></ul>	Ad-1	Q 1,2,3,4
Provide FTE, Travel, and Dollar utilization for Headquarters and Regions.	Report on the utilization of Resources by comparing actual usage to quarterly operating plans for Headquarters, Regions, and the total Agency.	Ad-2	Q 1,2,3,4

FY 1986 OARM SERVICE STANDARDS

HQ PROCUREMENT SERVICE STANDARDS

HQ PERSONNEL SERVICE STANDARDS

	Standard (in calendar days)	Standard (in calendar days)
<u>New Competitive Contracts</u>		
R&D under \$500K	185	
Non-R&D under \$500K	170	
R&D \$500K or more	240	
Non-R&D \$500K or more	225	
<u>New Sole Source</u>		
Under \$500K	120	
\$500K or more	171	
<u>Competitive Purchase Order</u>		
Oral \$1,000 to \$10,000	5	
Written \$1,000 to \$10,000	7*	
Written \$10,001 to \$25,000 (non-R&D)	70	
Written \$10,001 to \$25,000 (R&D)	80	
<u>Sole Source Purchase Order</u>		
Oral < \$10,000	4	
Written < \$10,000	5*	
Written \$10,001 to \$25,000	60	
* Additional 12 days to obtain receipt of a written quotation where required.		
<ul style="list-style-type: none"> <li>° Recruitment Actoins - Internal EPA <ul style="list-style-type: none"> <li>- without panel 71</li> <li>- with panel 83</li> </ul> </li> <li>° Recruitment Actons - External OPM 94</li> <li>° Non-Competitive Actions <ul style="list-style-type: none"> <li>- requiring OPM approval 35</li> <li>- not requiring OPM approval 21</li> </ul> </li> <li>° Miscellaneous Actons <ul style="list-style-type: none"> <li>- Retirement applications 52</li> <li>Optional 82</li> <li>Disability</li> </ul> </li> <li>- Negotiation of Reorganizations <ul style="list-style-type: none"> <li>No adverse impact 9</li> <li>No negotiations 26</li> <li>Negotiations 46</li> <li>Impasse 168</li> </ul> </li> <li>° Awards 8</li> </ul>		

# FY 1986 OARM SERVICE STANDARDS

## Q GRANTS SERVICE STANDARDS

Standard  
(in calendar days)

18

• Award grant or cooperative agreement after funding recommendation is made by program.

18

• Award interagency agreement after receipt from program.

15

• Prepare determination for request for deviation from regulatory requirements governing grant award upon receipt of the deviation request.

35

• Issue determination in suspension/ governing grant award after case record is complete.

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...and the fact that the system is designed to be self-sustaining.

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